

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, October 21, 2002, 7:00 p.m.

Appointments

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Codification of County Laws

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Candidates Lynn Lail and Glenn Barger	478	10/21/02
Nancy Meeks, Hickory Public Schools Board of Education member	478	10/21/02
Reverend Joel Cherry	478	10/21/02

Meetings, Board of Commissioners

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Resolution No. 2002-26, Setting Location for November 15, 2002, Fall Planning Retreat	541	10/21/02

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Rezoning request of Princeton Company, LLC to rezone a 0.91 acre tract from R-2 Residential to C-1 Commercial	480	10/21/02
Amendments to the Catawba County Code adding Chapter 519 and Wireless Telecommunications Ordinance and amending Sections 515.004, 515.101 515.188, and Table 515.1 existing Telecommunication regulations	481	10/21/02
Mountain View Small Area Plan	504	10/21/02

Public Hearings

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from R-2 Residential to C-1 Commercial	480	10/21/02
Amendments to the Catawba County Code adding Chapter 519 and Wireless Telecommunications Ordinance and amending Sections 515.004, 515.101 515.188, and Table 515.1 existing		
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Mountain View Small Area Plan	504	10/21/02

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No. 2002-22, Resolution Making Certain Findings, Authorizing the Filing of An Application With The Local Government Commission and Appointing Bond Counsel and a Financial Advisor in Connection with the Proposed Issuance of General Obligation Refunding Bonds of the County	533	10/21/02
No. 2002-23, Community Transportation Program Resolution	536	10/21/02
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Rezoning request of Larry Wilkinson and Candy Wilkinson to rezone a 4.79 acres tract from R-2 Residential to C-2 Commercial.	479	10/21/02
Rezoning request of Princeton Company, LLC to rezone a 0.91 acre tract from R-2 Residential to C-1 Commercial	480	10/21/02

Roads/Streets

Proposed name of JKS DR for an unnamed road located off JV Parker Drive in Bandys Township	478	10/21/02
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Sherrills Ford/Terrell Fire and Rescue

Fundraiser for former employee of Michael Waltrip Racing, Inc.	478	10/21/02
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Small Area Plans

Mountain View Small Area Plan (MVSAP)	504	10/21/02
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Closeout Public Hearing of the Mt. Grove/Shiloh Road Water Project Community Development Block Grant	478	10/21/02
East Maiden Road Water Project, Pump Station and Elevated Tank	538	10/21/02

The Catawba County Board of Commissioners met in regular session on Monday, October 21, 2002, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chairman W. Steve Ikerd, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty and Dan A. Hunsucker.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, and County Clerk Thelda B. Rhoney.

1. Chairman Ikerd called the meeting to order at 7:00 p.m.
2. Invocation was offered by Reverend Scott Johnson.
3. Commissioner Hunsucker made a motion to approve the minutes from the regular session of Monday, October 7, 2002. The motion carried unanimously.
4. Special Guests and Public Comment:

a. Special Guests:

Chairman Ikerd recognized his Granddaughters Whitney and Bree Keller. He recognized Incumbent Kitty Barnes and Candidates Lynn Lail and Glenn Barger. He also recognized Nancy Meeks, Hickory Public Schools Board of Education member.

b. Public Comment:

Reverend Joel Cherry thanked the Board for its support of a fundraiser for a former employee of Michael Waltrip Racing, Inc. which was held on Wednesday, October 9, 2002. They had approximately 3,400 guests. They grossed \$61,000, net \$47,000, which will be split between the Sherrills Ford/Terrell Fire and Rescue and the Randall Bradford Fund.

5. Public Hearings:

a. Closeout Public Hearing of the Mt. Grove/Shiloh Road Water Project Community Development Block Grant.

Public Services Administrator Jack Chandler said Catawba County was awarded an \$850,000 Community Development Block Grant (CDBG) from the Department of Commerce, Division of Community Assistance on September 18, 2000, for the Mt. Grove Road, Old Shelby Road, and Shiloh Road Water Project, #00-C-0712, 18,400 lineal feet of waterline was installed and 109 residents were connected to the waterline. As part of the closeout requirements, a public hearing must be held in order to close out the project and to receive public comment. He said the grant has been completed and all of the CDBG funds were expended.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Barnes made a motion to close out the grant for the aforementioned water project. The motion carried unanimously.

b. Proposed name of JKS DR for an unnamed road located off JV Parker Drive in Bandys Township.

Planning Technician Connie P. Killian said the Catawba County Planning Board and E-911 staff are recommending the proposed name of JKS DR for an unnamed street located in Bandys Township off

JV Parker Drive. Mr. Jimmy Kiser presented a petition to the Planning Department which was verified by staff as valid because it contained the signatures of three of the four property owners along JV Parker Drive. Mr. Kiser recommended JK'S Drive. Punctuation is not allowed since the Catawba County Addressing Guidelines do not indicate punctuations, so his suggestion was changed to JKS Drive.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Huffman made a motion to approve the name of JKS DR for an unnamed road located off JV Parker Drive in Bandys Township. The motion carried unanimously.

- c. Rezoning request of Larry Wilkinson and Candy Wilkinson to rezone a 4.79 acres tract from R-2 Residential to G-2 Commercial. This property is located in the Mountain Creek Township at 5515 E NC 150 Highway in Denver.

Planning Director Jacky M. Eubanks said the applicant is requesting to rezone a 4.79 acre tract from R-2 Residential to C-2 Commercial. The property is located in the Mountain Creek Township at 5515 E NC 150 Hwy in Denver, NC. It is 1,600 feet from the E Maiden Road intersection and further identified as Parcel ID number 3686-15-53-0253. The immediate surrounding properties are zoned R-2 Residential with the properties to the north and east being residentially developed. The properties to the east, starting 250 feet away, are zoned C-2 Commercial. The areas account for a significant C-2 Commercial district established at the E NC 150 Hwy and E Maiden Road intersections. There is currently minimal commercial development in this particular G-2 Commercial district. There are also three established OI (Office-Institutional) zoned parcels and one G1 Commercial parcel near the intersection of E NC 150 Hwy and S NC 16 Hwy, which are developed. Both Hwy 16 and Hwy. 150 are designated as a Minor Arterial. The 1999 traffic count near the intersection of Hwy 16 and Hwy 150 was 11,000 vehicle trips per day. The Transportation Plan calls for a carrying capacity of 9,900 vehicle trips per day for this area of Highway 150. The Thoroughfare Plan recommends Hwy 150 to be widened from NC 27 in Lincolnton to I-77 just west of Mooresville; however, this is an unfunded project. The current Transportation Improvement Plan (TIP) includes the widening of Hwy 16 from Lucia in Gaston County to Newton and this project is funded.

VisionQuest 2010: Catawba County's Comprehensive Plan designates this area as "Limited Transition." Limited transition areas are similar to Transition areas, however they are not located adjacent to municipalities. They can typically be found in areas of the County near crossroad communities or along NC Highway 150 with developing commercial and residential growth. Water, sewer and road improvements are either planned or already exist in these areas.

There is an existing public water line fronting this property and at the intersection of Hwy 150 and Hwy 16.

The following *Vision Quest 2010* Land Use & Development policies apply to this request:

Policy 1.10 Development in Limited Transition Areas should be encouraged, especially in those portions of the Limited Transition Areas where water and/or sewer is present or planned in the near future.

Policy 1.12 Plan for growth in an orderly, compact fashion throughout the County that will minimize urban sprawl and "leap-frog" development.

Policy 1.20 Encourage development at appropriate major intersections within the Developed, Transition and Limited Transition Areas (sometimes called "nodal development") and discourage land use changes that lead to "strip" development patterns with multiple driveways.

Policy 1.36 Neighborhood commercial development should be located along collector streets, and should be near neighborhood facilities such as schools and parks, and integrated into neighborhood design they are intended to serve.

Policy 1.38 Identify specific “activity centers” at major intersections as the desired location for non-farm related commercial and industrial development. The request is in line with the current County Comprehensive Plan.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Barnes made a motion to approve the rezoning of the aforementioned parcel from R-2 Residential to C-2 Commercial. The motion carried unanimously.

- d. Rezoning request of Princeton Company, LLC to rezone a 0.91 acre tract from R-2 Residential to C-1 Commercial. This property is located in the Mountain Creek Township at 9195 Sherrills Ford Road in Terrell.

Planning Director Jacky M. Eubanks said the applicant is requesting to rezone a .91 acre tract from R-2 Residential to C-1 Commercial. The property is located in the Mountain Creek Township at 9195 Sherrills Ford Road (SR 1848) in Terrell, NC. It is 400 feet north of Hwy 150 and further identified as Parcel I.D. number 4617-09-15-4802. The immediate surrounding properties are zoned R-2 Residential with the properties to the north being residentially developed. This property is 200 feet north from a C-1 Commercial district (the intersection of Sherrills Ford Road and Hwy 150), with the transition properties not developed. The properties just to the south of the subject parcel were rezoned from R-2 Residential to C-1 Commercial on August 19, 2002. Sherrills Ford Road is designated as a Minor Collector on the County's Thoroughfare Plan. Minor Collectors roads collect traffic from local roads and bring all developed areas within a reasonable distance of a Major Collector road; provide service to the remaining smaller communities; and link the locally important traffic generators with the rural outskirts. The 1999 traffic count near the intersection of Sherrills Ford and Hwy 150 was 13,000 vehicle trips per day. The Transportation Plan calls for a carrying capacity of 9,900 vehicle trips per day for this area of Hwy 150. Due to the lot size of the proposed site, this will not generate a significant amount of traffic. The Thoroughfare Plan recommends Sherrills Ford Road to receive minor widening for safety reasons. It also recommends Hwy 150 to be widened from NC 27 in Lincolnton to I-77 just west of Mooresville.

VisionQuest 2010: Catawba County's Comprehensive Plan designates this area as “Limited Transition.” Limited transition areas are similar to Transition areas, however they are not located adjacent to municipalities. They can typically be found in areas of the County near crossroad communities or along NC Highway 150 with developing commercial and residential growth. Water, sewer and road improvements are either planned or already exist in these areas. Catawba County Utilities and Engineering Department has plans to extend public water south on Sherrills Ford Road fronting this property to the Hwy 150 intersection.

The following *Vision Quest 2010* Land Use & Development policies apply to this request:

Policy 1.10 Development in Limited Transition Areas should be encouraged, especially in those portions of the Limited Transition Areas where water and/or sewer is present or planned in the near future.

Policy 1.12 Plan for growth in an orderly, compact fashion throughout the County that will minimize urban sprawl and “leap-frog” development.

Policy 1.20 Encourage development at appropriate major intersections within the Developed, Transition and Limited Transition Areas (sometimes called “nodal development”) and discourage land use changes that lead to “strip” development patterns with multiple driveways.

Policy 1.36 Neighborhood commercial development should be located along collector streets, and should be near neighborhood facilities such as schools and parks, and integrated into neighborhood design they are intended to serve.

Policy 1.38 Identify specific “activity centers” at major intersections as the desired location for non-farm related commercial and industrial development.

Policy 1.39 Encourage retail and office uses to be designated so that they are compatible with surrounding development and separated from residential neighborhoods by the use of buffering or "step-downs" in use and intensity.

The request is in line with the current County Comprehensive Plan.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Beatty made a motion to approve the request of Princeton Company, LLC to rezone a 0.91 acre tract from R-2 Residential to C-1 Commercial. The motion carried unanimously.

- e. Proposed amendments to the Catawba County Code adding Chapter 519 Wireless Telecommunications Ordinance and amending Sections 515.004, 515.101, 515.188, and Table 515-1, existing Telecommunication regulations. This ordinance will regulate all proposed wireless telecommunication towers, modifications and co-locations located in Catawba County's Zoning Jurisdiction.

Zoning Administrator Donna C. Jones said the public hearing is to consider adopting Catawba County Code, Chapter 519, an Ordinance regulating the siting of Wireless Telecommunications Facilities, amending Sections 515.004 Definitions, and Table 515-1 Schedule of Permitted and Permissible Uses by District, and amending Sections 515.101 and 515.188 to be used when considering Television and/or Radio Tower Facilities requests.

Catawba County adopted regulations to establish guidelines for the siting of telecommunications towers and antennas on December 16, 1996. Towers are currently allowed as a permitted use in the C-1, C-2, C-3, E-1, and E-2 Industrial District and as a special use in the R-2, R-3 Residential Districts and the Office-Institutional District. All special uses are brought before the Catawba County Board of Adjustment for consideration.

The Board of Adjustment processed sixteen (16) applications for new towers since the tower ordinance was adopted in 1996. The main concern expressed by the Board of Adjustment has been when considering the special use request for a new tower the only expert testimony given is from the applicant. The Board members believed that in order for them to make good decisions when considering tower requests, they need experts to review the applications and testify at the public hearing.

She said advantages of adopting Chapter 519 Wireless Telecommunications Facilities and a separate ordinance to deal with Television and/or Radio Tower Facilities are:

- Consultants will review applications and make recommendations
- Consultants will provide expert testimony at Board of Adjustment hearings
- Priorities of ordinance are 1) Co-location; 2) County Property; 3) Non-residential
- Height limitation for towers will be reduced to less than 200 feet maximum
- Requires Performance Security Bond (to assure terms and conditions of permit are met)
- Requires Liability Insurance be maintained by holder of special use permit for duration of special use permit (\$1,000,000 ea occurrence/\$2,000,000 ea aggregate)
- By separating the Television and/or Radio Tower Facilities ordinance from the Wireless Telecommunications Facilities, Catawba County will be able to address the issues that are unique to each type of tower in a fairer manner

At its meeting of August 26, 2002, the Planning Board advised staff to gather input from the Wireless Telecommunication/stakeholders and evaluate their comments for possible revisions to Chapter 519. Written comments were received from Crown Castle Intl., American Tower, and Tom Long Jr. of Long Family Partnership LLC. These comments were reviewed by staff and revisions made to Chapter 519. A second stakeholders meeting was held on September 19, 2002, with three stakeholders present. She said the following proposed amendments contain input from the stakeholders and planning board

to Section 515.101 Television and/or Radio Tower Facilities and Section 515.004 Definitions as well as the recommended approval of Chapter 519 Ordinance Regulating the Siting of Wireless Telecommunications Facilities.

Ordinance No. 2002-10

Be it hereby ordained that Sections 515.004, 515.101, 515.188 of the Catawba County Code is hereby amended to read as follows:

515.004 DEFINITIONS: Amend by adding the underlined definitions and removing the ones that have a strikethrough as follows:

TELEVISION AND/OR RADIO TOWER FACILITIES. A structure or facility designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices for television or radio transmissions, including all related facilities such as cabling, equipment shelters and other structures associated with the site.

~~**TELECOMMUNICATIONS TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas. (12-16-96)~~

TABLE 515-1: SCHEDULE OF PERMITTED AND PERMISSIBLE USES BY DISTRICT

Legend

X = Permitted Principal Uses

**A = Special Use Approved by
Board of Adjustment**

Y = Permitted Accessory Uses

R = Rezoning Process

Blank = Prohibited Use

(1) Five or more nonresidents; **(2)** Maximum number of residents is 12; **(3)** In existing manufactured home parks only; **(4)** Maximum number of residents is 5; **(5)** Only for uses permitted in the district; **(6)** When catering to industrial clients; **(7)** Excluding the open storage of wrecked cars; **(8)** May include open storage as permitted for junkyards; **(9)** In existing manufactured home parks, on existing lots of record, and family subdivision lots; **(10)** Administration approval subject to supplemental regulations in 515.101.

Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
<u>Television and/or Radio Tower Facilities</u>	A	A	A	A	X	X	X	X	X	<u>Special Use 515.188 Permitted 515.101</u>
<u>Wireless Telecommunication Facilities</u>	A	A	A	A	A	A	A	A	A	<u>Chapter 519</u>
<u>Co-Location/Modification Wireless Telecommunication Facilities</u>	X	X	X	X	X	X	X	X	X	<u>Chapter 519</u>

515.101 TELEVISION AND/OR RADIO TELECOMMUNICATIONS TOWER FACILITIES/ALTERNATIVE TOWER STRUCTURE

- (A) The purpose of this section is to establish general guidelines for the siting of television and/or radio towers and antennas. The goals of this section are to: (a) encourage the location of towers in non-residential/non-historical areas and minimize the total number of towers throughout the community, (b) enhance the ability of the providers of television and/or radio telecommunications services to provide such services to the community quickly, effectively and efficiently; (c) encourage strongly the joint use of new and existing tower sites, (d) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- (B) The following uses may be approved by the Zoning Administrator after conducting an administrative review:
- (5) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or commercial zoning district, provided, however, that such tower shall be set back from any residential lot lines a distance equal to the height of the tower. Engineering certification shall be submitted that states the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result. The following standards of 515.188: Television and/or Radio Telecommunications—Tower of the Catawba County Zoning Ordinance shall be used in deciding applications for approval of new towers in commercial or industrial districts: subsections A, B, C, D, E, G, I, J, K and M.

515.188: TELEVISION AND/OR RADIO TELECOMMUNICATIONS TOWER FACILITIES

The purpose of this subsection is to establish general guidelines for the siting of towers and antennas. The goals of this subsection are to: (a) encourage the location of towers in non-residential/non-historical areas and minimize the total number of towers throughout the community, (b) enhance the ability of the providers of television and/or radio ~~telecommunications~~ services to provide such services to the community quickly, effectively and efficiently; (c) encourage strongly the joint use of new and existing tower sites, (d) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

Communication companies are encouraged to locate television and/or radio ~~telecommunication~~ antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, etc. Where such facilities are not available, co-location of facilities is encouraged.

When a new tower is proposed to be sited, a determination of whether the location will provide a minimal level of coverage vs. optimal coverage shall be taken into consideration. The following standards shall be used in the approval of the siting of new towers:

- (B) Evidence that the ~~communications~~ tower is structurally designed to support at least one additional user, and the special use application includes a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. The tower owner may require that such other users agree to negotiate reasonable compensation to the owner from any liability, which may result from such attachment. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.
- (E) No outside storage shall be allowed on any ~~telecommunication~~ facility site.
- (G) The ~~telecommunications~~ tower shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property.

This 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

Ordinance No. 2002-11

Be it ordained by the Catawba County Board of Commissioners that the Catawba County Code is hereby amended by adding a chapter, which said chapter reads as follows:

Chapter 519
Ordinance Regulating the Siting of Wireless
Telecommunications Facilities

519.01 - Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the County of Catawba's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The County of Catawba finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the County and its inhabitants. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is

consistent with the County's land use policies, the County is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the County of Catawba.

519.02 - Title

This Ordinance shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the County of Catawba.

519.03 – Severability

- A. If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B. Any Special Use Permit issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the County.

519.04 - Definitions

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory, and not merely directory.

- A. **“Accessory Facility or Structure”** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B. **“Applicant”** means any Wireless service provider and/or tower company having a signed agreement with a wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.
- C. **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- D. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to, cellular, paging, personal Telecommunications services (PCS), microwave Telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority.
- E. **“Co-location”** means the use of a Tower or structure to support Antennae for the provision of wireless services without increasing the height of the Tower or structure more than six (6) feet. An increase in height of more than six feet will be considered a new tower and subject to said standards.
- F. **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercial impracticable” and shall

not render an act or the terms of an agreement “commercially impracticable”.

- G. **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- H. **“Commission”** means the Board of Commissioners of Catawba County.
- I. **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- J. **“Fall Zone”** means an area around the base of the Tower required to be kept clear of buildings, other than an Accessory Facility or Structure associated with the Wireless Telecommunications Facility, to contain debris in the event of a Tower structural failure, as certified by a professional engineer licensed in the State of North Carolina.
- K. **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- L. **“Geomorphologic Study”** means a study that shows the structural relationship of the soils and the appropriateness of the soils for the foundation of a wireless telecommunication tower as designed.
- M. **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightning protection device.
- N. **“Modification”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. For purposes of clarification, adding a new wireless carrier or service provider without increasing the height to a Telecommunications Tower or a Telecommunications site adding no more than six feet in height is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is of equal size or smaller to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- O. **“NIER”** means Non-Ionizing Electromagnetic Radiation.
- P. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
- Q. **“Personal Wireless Facility”**-see definition for ‘Wireless Telecommunications Facilities.’
- R. **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PCS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- S. **“Special Use Permit”** means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the County.
- T. **“State”** means the State of North Carolina.
- U. **“Stealth”** or **“Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

- V. **"Technically Impracticable"** means the inability to perform an act due to technical reasons.
- W. **"Telecommunications"** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- X. **"Telecommunication Site"** - see definition for Wireless Telecommunications Facilities.
- Y. **"Telecommunications Structure"** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.
- Z. **"Television and Radio Tower Facilities"** means a structure or facility designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices for television or radio transmissions, including all related facilities such as cabling, equipment shelters and other structures associated with the site. Catawba County Code, Chapter 515, Section 515.101 and 515.188 will regulate this type of tower.
- AA. **"Temporary"** means, temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
- BB. **"Temporary Cellular Antenna Facilities and mobile towers"** means a portable telecommunication facilities consisting of a portable base station and a temporary tower type structure, either free standing, or guyed, used for a temporary period not to exceed thirty (30) days. This use is exempt from Chapter 519 regulations.
- CC. **"Visual Addendum"**- before and simulated after photos of the proposed wireless telecommunication tower site.
- DD. **"Wireless Telecommunications Facilities"** means and includes a **"Telecommunications Tower"** and **"Tower"** and **"Telecommunications Site"** and **"Personal Wireless Facility"** means a structure, facility or location designed, or intended to be used as, or used to support, Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an Antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority, excluding those used exclusively for the County's fire, police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial Telecommunications where the height of the facility is below the height limits set forth in this ordinance.

519.05 - Overall Policy and Desired Goals for Special Use Permits for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the County hereby adopts an overall policy with respect to a Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- A. Implementing an Application process for person(s) seeking a Special Use Permit for Wireless Telecommunications Facilities;
- B. Establishing a policy for reviewing and analyzing an application for, and issuing, a Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.

- C. Promoting and encouraging, wherever possible, alternatives to constructing new Towers, including but not limited to the co-location of Wireless Telecommunications Facilities and mitigating the visual effect of a Wireless Telecommunications Facility to extent not commercially Impracticable;
- D. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology or camouflage techniques, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances; and
- E. Assuring that any Wireless Telecommunications Facilities are designed and constructed so as to be structurally sound and otherwise safe.

519.06 - Special Use Permit Application and Other Requirements.

- A. All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The Catawba County Board of Adjustment is the officially designated agency or body of the County to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for Wireless Telecommunications Facilities. The Board of Adjustment may at its discretion request of other official agencies of the County to accept, review, analyze, evaluate and make recommendations to the Board of Adjustment with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for Wireless Telecommunications Facilities.
- B. An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall also sign the Application. At the discretion of the County, any false or misleading statement in the Application may subject the Applicant to denial of the Application without further consideration or opportunity for correction.
- C. Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the County.
- D. The Applicant shall include a statement in writing:
 - 1. That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the County in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal Laws, rules, and regulations;
 - 2. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to, the fact that the Applicant is authorized to do business in the State.
- E. No Wireless Telecommunications Facilities shall be installed or constructed until the Application is reviewed and approved by the County, and the Special Use Permit has been approved and all applicable permits have been obtained.
- F. No Tower owner or manager shall be permitted to submit an application for a Special Use

Permit for a Tower if the Tower owner does not have a signed agreement committing a commercial service provider to occupy space on the Tower.

G. All applications for the construction or installation of new Wireless Telecommunications Facilities shall contain the information hereinafter set forth. The application shall be signed by an authorized individual on behalf of the Applicant. Where a certification is called for, such certification shall bear the signature and seal of a Professional Engineer licensed in the State. The Application shall include the following information:

1. Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the County. Such documentation shall include, but may not be limited to, propagation studies of the proposed site and all existing, adjoining and proposed sites;
2. The name, address and phone number of the person responsible for preparing the Application;
3. The name, address, and phone number of the property owner, service provider or operator, and the actual Applicant, and to include the legal form of the Applicant;
4. The E-911 address and parcel identification number (PIN) of the property;
5. The Zoning District or designation in which the property is situated;
6. Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines. If property is leased, the same information is required including the access road;
7. The location of nearest residential structure;
8. The location, size and height of all structures on the property which is the subject of the Application;
9. The location, size and height of all proposed and existing antennae and all appurtenant structures;
10. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
11. The number, type and design of the Tower(s) and Antenna(s) proposed and the basis for the calculations of the Tower's capacity to accommodate multiple users;
12. The make, model and manufacturer of the Tower and Antenna(s);
13. A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
14. The frequency, modulation and class of service of radio or other transmitting equipment;
15. The actual intended transmission and the maximum effective radiated power of the Antenna(s);
16. Direction of maximum lobes and associated radiation of the Antenna(s);
17. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
18. Certification that the proposed Antenna(s) will not cause interference with other telecommunications devices;

19. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
 20. Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site;
 21. For a new Tower, a narrative explaining how the proposed facility is the least visually and physically intrusive means possible that is neither Commercially nor Technically Impracticable, along with a photographic or other graphic representations of the proposed facility in color as may be deemed necessary; and
 22. A copy of an approved Erosion Control Plan, where applicable.
- H. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the County in the Application, along with any letters of rejection stating the reason for rejection.
- I. The Applicant shall certify that the Telecommunication Facility, foundation and attachments are designed and will be constructed to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads.
- J. The Applicant shall certify that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- K. An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and visual assessment will be reviewed at the pre-application meeting.
- L. The Applicant shall furnish a Visual Impact Assessment, which shall include:
1. A "Zone of Visibility Map" which shall be provided in order to determine locations from which the Tower may be seen.
 2. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to State and Federal highways and other scenic roadways, and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key viewpoints at a pre-application meeting.
 3. An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- M. The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed Wireless Telecommunications Facilities.
- N. Any and all representations made by the Applicant to the County on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the County.

- O. All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- P. All Applications shall contain a demonstration that the Facility be sited so as to have the least visually intrusive effect reasonably possible and thereby have the least adverse visual effect on the environment and the nature and character of the community, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.
- Q. Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may required by the County to the extent that it is not Commercially Impracticable or technically impracticable.
- R. At a telecommunications site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- S. A person holding a Special Use Permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, State, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- T. A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.
- U. An Applicant shall submit to the County the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities and counties and to the County Planning Department.
- V. If a new Tower is proposed, the Application shall contain a commitment to design and construct the Tower to accommodate at least five (5) additional commercial applications or service providers, assuming Antenna Arrays equivalent to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared use of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - 1. The foreseeable number of FCC licenses available for the area;
 - 2. The kind of Wireless Telecommunications Facilities site and structure proposed;
 - 3. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites; and

4. Available space on existing and approved towers.

W. The owner of the proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:

1. Respond within sixty (60) days to a request for information from a potential shared-use applicant;
2. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers, including a reasonable rate of compensation; and
3. Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay a reasonable rate of compensation. The rate may include, but not be limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for the Tower.

X. There shall be a site visit, if there has not been a prior site visit for the requested site in the preceding twelve (12) months, and a pre-application meeting, both of which shall be prior to the submittal of any Application, the purpose of which shall be to address issues which will help expedite the review and permitting process and any concerns regarding the site or the Facility and the treatment of such. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

Y. The holder of a Special Use Permit shall notify the County of any intended modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

Z. In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall, a maximum of fourteen (14) days prior to the public hearing on the application, hold a one (1) day "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the County. The Applicant shall inform the County, in writing, of the date and times of the test along with the date and time of the alternate test, at least fourteen (14) days in advance. The balloon shall be flown from 7:00 -10 o'clock a.m. and for 3 hours prior to dusk on the date chosen. The primary date shall be on a weekend, but to prevent delays in the processing of the Application, in case of poor weather on the initial date, the secondary date may be on a weekday.

AA. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Tower or existing structure intended to support Wireless Facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

BB. Applications shall be submitted in a 3-ring binder. The Application shall contain a Table of Contents which shall list each section and subsection and the issue required to be addressed. Requests for waiver shall be clearly set forth and indicated in the Table of Contents, with an explanation for the request for waiver contained in the appropriate section of the Application.

Each issue or matter addressed in the Ordinance that requires a response shall be set forth in a separate section, i.e. tab, in the Application, including requests for waiver.

519.07 - Location of Wireless Telecommunications Facilities.

- A. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.
 - 1. On existing Towers or other structures without increasing the height of the tower or structure;
 - 2. On County-owned properties;
 - 3. On properties in areas zoned for Industrial use;
 - 4. On properties in areas zoned for Commercial use;
 - 5. On properties in areas that have an approved application on file with the Catawba County Tax Office for Agricultural, Horticulture, or Forest as their Use Value Assessment; and
 - 6. On properties in areas zoned for Residential use.
- B. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
- C. An Applicant may not defend or justify bypassing sites of a higher priority by claiming the site proposed is the only site leased or selected. All Applications shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why co-location is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.
- D. Notwithstanding the above, the County may approve any site located within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have an adverse effect on the nature and character of the community and neighborhood.
- E. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- F. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons.
 - 1. Conflict with safety and safety-related codes and requirements;
 - 2. Conflict with the historic nature or character of the community, a neighborhood or a historical district;
 - 3. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning, land use designation, or adopted land use policies;

4. The placement and location of Wireless Telecommunications Facilities which would create an adverse impact to the public health, safety, and general welfare, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers; and
5. Conflicts with the provisions of this Ordinance.

519.08 - Shared use of Wireless Telecommunications Facilities and other structures.

- A. Locating on existing Towers or others structures without increasing the height shall be the highest priority established by the County, as opposed to the construction of a new Tower. The Applicant shall submit a comprehensive report inventorying existing Towers and other functionally suitable structures within four (4) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- B. An Application to co-locate on an existing Tower or other suitable structure shall contain proof of the intent of the existing owner to permit its use by the Applicant.
- C. Such shared use shall consist of only the minimum Antenna array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.
- D. Co-Location shall be addressed as an administrative approval procedure not requiring Board of Adjustment action.

519.09 - Height of Telecommunications Tower(s).

- A. Where the need for a new tower can be proven, the tower shall be structurally designed to accommodate six (6) carriers, taking into account the neighboring tree height or the height of any nearby obstruction that would effectively block the signal in that direction. At a minimum, an applicant for a tower shall provide one set of RF propagation studies on clear acetate overlay showing all existing sites adjacent to the search ring that shows the gap in coverage.
- B. All newly erected Towers, after the effective date of this Ordinance, including allowing for all attachments and modifications, may be constructed by right to a height of less than 200 feet.
- C. Documentation will be analyzed in the context of the justification of the minimum height needed by for the service provider to provide service primarily within the County, to the extent practicable, unless good cause is shown.

519.10 - Appearance and Visibility of Wireless Telecommunications Facilities

- A. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- B. Towers shall be galvanized, or if deemed necessary by the County to minimize the visual impact painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance and any conditions of the Special Use Permit.
- C. If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

519.11 -Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A. All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that individuals on the ground cannot climb or collide with the facility or supporting structures.
- B. Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

519.12 - Signage/Open Storage.

- A. Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted, unless required by applicable law, rule or regulation.
- B. No open storage shall be allowed on any telecommunication facility site.

519.13 - Lot Size and Setbacks.

All proposed Towers, not including ground based equipment buildings and other related Accessory Facility or Structure, shall be set back from all adjacent property lines, public rights-of-way, recorded rights-of-way and road and street lines, except any private easement which provides access to the Wireless Telecommunications Facility, by a distance equal to the height of the Tower or the existing setback requirements of the underlying zoning district, whichever is greater. The owner of the Tower shall control by deed, lease, easement or other property interest the Fall Zone of the Tower. Any Accessory Facility or structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated, as measured from the property line. If a lot is created and sold (not leased) the lot must meet the minimum requirements of Section 515.027 Schedule of Area, Height, Bulk and Placement Regulations.

519.14 - Retention of Expert Assistance and Reimbursement by Applicant.

- A. The County may hire any consultant and/or expert necessary to assist the County in reviewing, analyzing and evaluating the Application, including the construction and modification of the site, once permitted, and any requests for recertification.
- B. An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of a consultant and any expert evaluation and consultation to the County in connection with the review of any Application, including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00, which deposit is not a fee. The placement of the \$8,500.00 with the County shall precede the pre-application site visit and meeting. The County will maintain a separate escrow account for all such funds. Consultants shall invoice the County for services in reviewing the Application, including the construction and modification of the site, once permitted, and the County shall use this escrow to pay the consultant.
- C. If at any time during the process the escrow account has a balance less than \$2,500.00, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant.
- D. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application and other

information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

519.15 - Exceptions from a Special Use Permit for Wireless Telecommunications Facilities.

- A. As of the effective date of this Ordinance, no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of Wireless Telecommunications Facilities without having first obtained a Special Use Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Special Use Permit shall be required for those non-commercial exceptions noted in the definition of Wireless Telecommunications Facilities in Section 519.004 of this Ordinance.
- B. All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless Telecommunications Facility must comply with this Ordinance, including making Application for such modification.

519.16 - Public Hearing and Notification Requirements.

- A. Prior to the approval of any Application for a Special Use Permit for Wireless Telecommunications Facilities, a public hearing shall be held by the County, notice of which shall be published in the official newspaper of the County once a week for two consecutive weeks no less than fifteen (15) calendar days prior to the scheduled date of the public hearing. In order that the County may notify nearby landowners, the Applicant, the Application shall contain the names and address of all landowners whose property is located within fifteen hundred (1500) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located.
- B. There shall be no public hearing required for an application to co-locate on an existing tower or other structure, as long as there is no more than a six foot proposed increase in the height of the Tower or structure, including attachments thereto.
- C. The County shall schedule the public hearing referred to in Subsection (A) of this section once it finds the Application is complete, and the County, at any stage prior to issuing a Special Use Permit, may require such additional information as is deemed reasonable necessary for an informed determination and decision to be made.

519.17 - Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities.

- A. The County will undertake a review of an Application pursuant to this Ordinance in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances involved, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- B. The County may refer any Application or part thereof to any advisory or other committee for a non-binding recommendation.
- C. After the public hearing and after formally considering the Application, the County may approve, approve with conditions, or deny a Special Use Permit. The decision to grant or not grant a Special Use Permit shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the permit shall always be upon the Applicant.
- D. If the County approves the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the County's action, and the Special use Permit shall be issued within thirty (30) days after such approval. Except for necessary building permits and subsequent Certificates of Compliance, once a Special Use Permit has been granted hereunder, no additional permits or approvals from the County, such as site plan or zoning approvals, shall be required by the

County for the Wireless Telecommunications Facilities covered by the Special Use Permit.

- E. If the County denies the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the County's action.

519.18 - Recertification of a Special Use Permit for Wireless Telecommunications Facilities.

- A. Between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effective date of the Special Use Permit or approved co-location/modification, whichever is the most recent, and all subsequent five (5) year anniversaries of the effective date of the original Special Use Permit for Wireless Telecommunications Facilities, the holder of a Special Use Permit for such Wireless Telecommunication Facilities shall submit a signed written request to the County for recertification. In the written request for recertification, the holder of such Special Use Permit shall note the following:
1. The name of the holder of the Special Use Permit for the Wireless Telecommunications Facilities;
 2. If applicable, the number or title of the Special Use Permit;
 3. The date of the original grant of the Special Use Permit;
 4. Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise visibly modified since the issuance of the Special Use Permit and if so, in what manner;
 5. If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise visibly modified, then whether the County approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
 6. That the Wireless Telecommunications Facilities are in compliance with the Special Use Permit and compliance with all applicable codes, Laws, rules and regulations; and
 7. Recertification that the Tower and attachments both are designed and constructed and continue to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a Professional Engineer licensed in the State, the cost of which shall be borne by the Applicant.
- B. If, after such review, the County determines that the permitted Wireless Telecommunications Facilities are in compliance with the Special Use Permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, then the County shall issue a recertification of the Special Use Permit for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or that are required by applicable statutes, laws, ordinances, codes, rules or regulations. If, after such review it is determined that the permitted Wireless Telecommunications Facilities are not in compliance with the Special Use Permit and all applicable statutes, laws, ordinances, codes, rules and regulations, then the County may refuse to issue a recertification Special Use Permit for the Wireless Telecommunications Facilities, and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the Applicant receives written notice of the decision by the County until such time as the Facility is brought into compliance. Any decision requiring the cessation of use of the Facility or imposing a penalty shall be in writing and supported by substantial evidence contained in a written record and shall be promptly provided to the owner of the Facility. All fees are subject to a Fee Schedule adopted by the Catawba County Board of Commissioners.
- C. If the Applicant has submitted all of the information requested and required by this Ordinance, and if the review is not completed, as noted in subsection (B) of this section, prior to the five

(5) year anniversary date of the Special Use Permit, or subsequent five (5) year anniversaries, then the Applicant for the permitted Wireless Telecommunications Facilities shall receive an extension of the Special Use Permit for up to six (6) months, in order for the completion of the review.

- D. If the holder of a Special Use Permit for Wireless Telecommunications Facilities does not submit a request for recertification of such Special Use Permit within the timeframe noted in subsection (A) of this section, then such Special Use Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Special Use Permit, or subsequent five (5) year anniversaries, unless the holder of the Special Use Permit adequately demonstrates that extenuating circumstances prevented a timely recertification request. If the County agrees that there were legitimately extenuating circumstances, then the holder of the Special Use Permit may submit a late recertification request or Application for a new Special Use Permit.

519.19 - Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of a Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- A. such Special Use Permit shall be non-exclusive;
- B. such Special Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the County; and
- C. such Special Use Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit, or for a material violation of this Ordinance after prior written notice to the holder of the Special Use Permit.

519.20 - Application Fee.

- A. At the time that a person submits an Application for a Special Use Permit for a new Tower, or co-location on a existing Tower or other such suitable structure where no increase in height of the Tower or structure is required such person shall pay a non-refundable application fee to the County. All fees are subject to a Fee Schedule adopted by the Catawba County Board of Commissioners.
- B. No Application fee is required in order to recertify a Special Use Permit for Wireless Telecommunications Facilities, unless there has been a visible modification of the Wireless Telecommunications Facility since the date of the issuance of the existing Special Use Permit for which the conditions of the Special Use Permit have not previously been modified. In the case of any modification, the fees provided in Subsection (A) shall apply.

519.21 - Performance Security.

- A. The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its sole cost and expense, be required, jointly if appropriate, to execute and file with the County a bond or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the initial Special Use Permit. A bond must be approved and renewed on a yearly basis, proof of said renewal must be submitted to the Catawba County Planning office at least sixty (60) days prior to the previous years bond expiration. Either the continuation of the same security or the placement of a new one will be required as part of the required recertification and each period of recertification thereafter, unless the County, in writing, permits a reduction in the amount or its elimination. The security

for the last period of recertification shall remain in effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

- B. Notwithstanding the preceding subsection, the security for a co-located facility shall be \$25,000.

519.22 - Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site upon approval from facility owner.

519.23 - Annual NIER Certification.

The holder of the Special Use Permit shall, annually, certify to the County that NIER levels at the site are within the threshold levels adopted by the FCC.

519.24 - Liability Insurance.

- A. A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below:
1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 2. Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate; and
 3. Workers Compensation and Disability: Statutory amounts.
- B. The Commercial General liability insurance policy shall specifically include the County and its officers, boards, employees, committee members, attorneys, agents and consultants as additional insured.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- F. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit or any recertification of the Special Use permit, the holder of the Special Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

519.25 - Indemnification.

- A. Any application for Wireless Telecommunication Facilities that is proposed for County

property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

- B. Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

519.26 - Fines.

- A. In the event of a violation of this Ordinance or any Special Use Permit issued pursuant to this Ordinance, the County may impose and collect, and the holder of the Special Use Permit for Wireless Telecommunications Facilities shall pay to the County, fines or penalties as permitted by State law.
- B. A violation of this local Ordinance is hereby declared to be an offense, punishable by a fine not exceeding that which is permitted under State Law for conviction of a first offense. For conviction of a second offense, both of which were committed within a period of five years, the holder of a Special Use Permit issued under this Ordinance may be sanctioned by a fine of not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of Law relating to misdemeanors shall apply to such violations. Each day after the first seven (7) days following notification that the violations continues, shall constitute a separate additional violation, punishable separately and individually.
- C. Notwithstanding anything in this Ordinance, the holder of the Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other sanctions or penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The County may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the County.

519.27 - Default and/or Revocation.

- A. If Wireless Telecommunications Facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Use Permit, then the County shall notify the holder of the Special Use Permit in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected immediately if an eminent health or safety hazard exists or within thirty (30) days for a non-emergency situation, or of the date of personal service of the Notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the County may, at its sole discretion, order the violation remedied within twenty-four (24) hours.

- B. If, within the period set forth in subsection (A) above, the Wireless Telecommunications Facilities are not brought into compliance with the provisions of this Ordinance, or of the Special Use Permit, or substantial steps are not taken in order to bring the affected Wireless Telecommunications Facilities into compliance, then the County may revoke such Special Use Permit for Wireless Telecommunications Facilities, and shall notify the holder of the Special Use Permit within forty-eight (48) hours of such action.

519.28 - Removal of Wireless Telecommunications Facilities.

- A. Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.
1. Wireless Telecommunications Facilities with a Special Use Permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within ninety (90) days;
 2. Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 3. Wireless Telecommunications Facilities have been located, constructed or modified without first obtaining, the required Special Use Permit or modification thereof, or any other necessary authorization.
- B. If the County makes such a determination as noted in subsection (A) of this section, then the County shall notify the holder of the Special Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the County may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- C. The holder of the Special use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the County. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the County.
- D. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the holder of the Special Use Permit has received notice, then the County may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder. If, the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the County may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.
- E. Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the County, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the County. If such a plan is not developed, approved and executed within the ninety (90) days time period, then the County

may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

515.29 - Relief.

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such at the pre-Application meeting, provided that the relief or exemption is contained in the original Application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the County in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the County, its residents and other service providers.

519.30 - Periodic Regulatory Review by the County.

- A. The County may at any time conduct a review and examination of this entire Ordinance.
- B. If after such a periodic review and examination of this Ordinance, the County determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the County may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the County, the County may repeal this entire Ordinance at any time.
- C. Notwithstanding the provisions of subsections (A) and (B) of this Section, the County may at any time, and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

519.31 - Adherence to State and/or Federal Rules and Regulations.

- A. To the extent that the holder of a Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for Wireless Telecommunications Facilities, then the holder of such a Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

519.32 - Conflict with Other Laws.

Where this Ordinance differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or federal government, this Ordinance shall apply.

519.33 - Effective Date.

This Ordinance shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

519.34 - Authority.

This Ordinance is enacted pursuant to applicable authority granted by the State and federal government.

This 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

After a brief discussion by the Board, Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against. He requested that everyone wishing to speak to please limit their comments to five minutes.

Gary Pennington, Attorney with the Law Firm Pennington and Lott of Columbia, SC, representing Crown Castle International, said he participated in the process with staff and the Planning Board. He said Crown Castle International is a tower company that owns over 12,000 towers around the world and their goal is to limit regulation whenever possible. He said Catawba County had only 16 towers since 1996 which is not a lot of communication towers given the rate of growth in the industry. Wireless communication is important and we are becoming a wireless society. Growth continues to be there and the ordinance will have a big impact on how people communicate. He lauded staff and the planning board for improving the ordinance. He said it would be an expensive ordinance and it needs to be more objective and less subjective. It is good to have a consultant review applications who is unbiased and unrelated. He asked the board to consider in the future after the contract expires with the consultant to seek out a more independent consultant, someone not involved in drafting the ordinance. Fees in the amount of \$8,500 plus \$5,000 for the bond is expensive and he requested the board keep an open mind on this issue. He said based on the number of applications you need to embrace the technology and not over regulate out of existence.

Tom Long, Jr., Long Family Partnership, said he had been through the process over the past several months and some changes were made to his approval. He was concerned about the County attempting to regulate what is covered under the Communication Act of 1996 such as height, frequency and power as they are specific domain of the Federal Aviation Administration and the Federal Communications Commission. He encouraged staff to obtain outside FCC type legal counsel. He questioned the need for bond requirements as it is cost prohibitive if not using due to lighting. He feels the fee of \$13,500 up front is expensive and he also questioned the company who wrote the ordinance.

There being no one else wishing to speak, Chairman Ikerd closed the public hearing.

Staff Attorney Debra Bechtel thanked staff for working on the ordinance. She said staff worked with the industry to come up with an ordinance that will support the Board of Adjustment while allowing the industry to do the work they seek to do. She said there was a benefit for relief in the ordinance.

Chairman Ikerd said ordinances can be changed as growth occurs.

Commissioner Huffman asked about the FAA/FCC regarding height requirement.

Ms. Bechtel said height requirement is limited to 200 feet allowing for co-locators. If a tower goes over 200 feet according to FAA regulations it must be lit. She said if that would not work for an application they need to refer to the relief section and get a separate permit and permission from the FAA.

Chairman Ikerd asked Ms. Bechtel if any state or federal regulation would supersede the ordinance.

Ms. Bechtel said the Telecommunications Act of 1996 does supersede any ordinance.

After a brief discussion, Commissioner Huffman made a motion to amend the aforementioned Sections 515.004, 515.101 and 515.188 and Table 515-1 of the Catawba County Code of Ordinances. The motion carried unanimously.

Commissioner Huffman also made a motion to approve an amendment to the Catawba County Code of Ordinances by adding the aforementioned Chapter 519 Ordinance Regulating the Siting of Wireless Telecommunications Facilities. The motion carried unanimously.

- f. The Mountain View Small Area Plan with options to address additional density districts, corridor enhancement standards, mixed uses and development standards for Bakers Mountain in lieu of a five-acre lot size requirement. This is a second public hearing due to options being considered which vary from the original plan proposals.

Planning Director Jacky M. Eubanks said the Board at its August 19, 2002, meeting conducted a public hearing on the Mountain View Small Area Plan. At the meeting, seven individuals addressed the Board with their concerns about plan recommendations. Several people spoke about the five-acre lot size requirement on Bakers Mountain while others discussed their concerns over affordability issues and the ability to maximize residential densities where public water is located. At the conclusion of the public hearing, the Board of Commissioners directed staff to review these issues and the Board's concerns and prepare options for amendments to the plan.

During September, staff met one-on-one with Board members to address their specific issues. They are summarized as follows:

- 1) *Affordability*. The plan does not provide for a balance of housing choices especially affordable housing and starter housing stock.
- 2) *Corridor Enhancement*. Develop tools to ensure the beautification of the area's corridors and highly traveled roadways. These tools could be considered by the Board to address a county-wide beautification program.
- 3) *Mixed Uses*. The plan needs to allow a mixture of residential, commercial and office uses in a planned development setting.
- 4) *Residential Densities*. The plan did not have enough areas designated as high density. Also there was not enough density types with only two districts being presented: high density at ½ acre lots and low density at 2 acre lots. The plan also did not take into consideration all of the existing waterlines for higher density areas.
- 5) *Bakers Mountain Protection District*. There was a desire to allow for development at a density greater than one house per five acres. However, the development would need to be designed to minimize its' impacts on the mountain.

Upon careful consideration and analysis of these issues, a set of options was prepared for the Board's deliberation. The options being presented to the Board are:

Option 1:

Adopt the Mountain View Small Area Plan as presented by the Mountain View Small Area Plan Committee and recommended for adoption by the Planning Board.

Option 2:

Adopt amendments to the plan which address the five main issues identified by the board members at their individual meetings. These amendments include changes to the plan's original guiding principles, recommendations and maps.

Mr. Eubanks said the plan, when adopted by the Board of Commissioners, will establish policy for how the Mountain View area will grow in the future. Along with the policy statements are recommendations for amendments to the Subdivision and Zoning Ordinances to implement the plan. The adoption of this document itself does not make these ordinance changes – these will be separate actions that will be presented again to the Board for public hearing and adoption. Likewise, the recommended rezonings are not approved by adoption of the plan but rather the document states that this is a course of action that will be pursued for the area.

He said Planning staff recommends adoption of the Mountain View Small Area Plan incorporating changes to the plan's principles and recommendations as detailed in Option 2. Staff also recommends Alternative A within Option 2 which includes adoption of Map 5A allowing for higher residential density along existing and future waterlines. Staff proposes to the Board that the residential R1 rezoning hearings from Mountain View be combined with the recommended rezonings in Sherrills Ford, St. Stephens/Oxford and Balls Creek small area districts. This will allow for the rezonings to be

comprehensively reviewed to determine the overall impacts for the small area plans in progress.

County Planner Mary K. George further addressed the affordability, corridor enhancement, mixed uses, residential densities, and Bakers Mountain Protection District. Ms. George said one amendment which is recommended to be made regardless of the option chosen is addressing the school capacity requirement for new development. This issue was raised by the County Attorney at the Board's August meeting. The original plan states that the school capacity requirement would continue to be factored in until another school bond referendum is held. The plan did not contemplate that a bond referendum may not be held in 2002. To clarify that the school capacity requirement would be released, the recommendation under Section: Community Facilities and Public Services should be deleted and rewritten to read: CF-1 The current school capacity requirement would be lifted for the high density residential areas as shown on Map 5A.

Mr. Eubanks recapped the plan. He said by adopting the plan the Board establishes a policy, a set of guidelines that will help citizens, staff and elected officials make better land use and development decisions in the next 15-20 years.

After a brief discussion, Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against. He requested that everyone wishing to speak to please limit their comments to five minutes.

Mr. Everett Houston said he owned 100 acres in the 1,100 feet district. He asked if it included a two or five acre requirement.

Ms. George said they had changed the original proposal from a minimum five acre requirement to two acres and would only apply if someone were doing a big subdivision. If you were creating lots for family members it would not apply. For the larger developers they would have to meet the standards for height restrictions and clearing limits.

Mr. Houston asked what were the clearing limits and would that restrict any wood being cut at all off of the land as is now. How much could you cut.

Ms. George said the original proposal had a requirement for clear cutting, a prohibition that state representatives be lobbied to draft a bill restricting clear-cutting and that has been removed from the plan and it is no longer being considered. Clearing limits apply if you are doing a large subdivision, and each lot when clearing around the house would be limited to how much area could be cleared based on how steep the land is.

Mr. Houston asked what was considered a large subdivision.

Ms. George said anytime someone creates more than five lots that are not for family members.

Mr. Houston thanked the Commissioners for the plan.

Mr. Tracy Warlick said the density is too low, affordable housing will not work in this plan. This plan as it exist does not physically work in the real world but it can and it needs some changes.

Mr. Dent Allison congratulated the Board for several positive points with school density and increased density in housing. It falls short in some major areas. He asked about affordability. Mr. Allison distributed copies of an article by the North Carolina Homebuilders on "Inclusionary zoning." He said the main feature for affordability does not work. Higher densities are needed.

Tom Long, Jr., Long Family Partnership, said he feels the mountain should be treated fairly with the rest of the area and he has problems with the 1,100 feet contour.

Mr. Richard Flowe, representing N Focus, LLC, planning consultants hired by ALC Land and Lumber to monitor the process and interact with the county. He commended the Board for working on the plan. Their concerns are quality. They would like to request (as pointed out in correspondence to the planning staff in late September) that the mountain protection district be expanded on the west side to include more properties and they felt it was being restrictive only to ALC Land and Lumber property

and a few others. They don't have a problem with the 1,100 feet contour. They are concerned about the guidelines contained in the mountain protection area. He asked that it be considered on a larger scale basis to protect the mountain, not just for the enjoyment of people around the mountain but to protect the area around the mountain for those who wish to reside at the base of the mountain.

There being no one else wishing to speak, Chairman Ikerd closed the public hearing.

After a lengthy discussion, Commissioner Huffman made a motion to approve the Mountain View Small Area Plan incorporating Option 2 and Map 5A. The motion carried unanimously.

The following plan incorporates Option 2 and Map 5A. (Note: All maps are on file in the Office of Planning Director.)

MOUNTAIN VIEW SMALL AREA PLAN

Recommended by the Mountain View SAP Committee - December 10, 2001

Recommended by the Catawba County Planning Board - May 20, 2002

Adopted by the Catawba County Board of Commissioners - October 21, 2002

PLAN PARTICIPANTS

CATAWBA COUNTY BOARD OF COMMISSIONERS

W. Steve Ikerd, *Chair*
Marie H. Huffman, *Vice Chair*
Kitty W. Barnes
Barbara G. Beatty
Dan A. Hunsucker

MOUNTAIN VIEW SMALL AREA PLAN COMMITTEE

Debbie Pitts, *Chair*
Steve Von Drehle, *Planning Board Liaison*
Paul Fleetwood
Larry Johnson
Jeanette Ringley
Wade Scronce
Carroll Lackey, *Former Member*
Donald McSwain, *Former Member*

CATAWBA COUNTY PLANNING BOARD

Ray Von Caldwell, *Chair*
Michael C. Miller, *Vice Chair*
Anne B. Barrier
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Charles F. Connor, III
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William "Rusty" Lutz

CATAWBA COUNTY PLANNING STAFF

Mary George, *County Planner*
Rich Hoffman, *Assistant County Planner*

OTHER PARTICIPANTS, SPECIAL THANKS

Tom Carr, Executive Assistant for Development, City of Hickory
Chuck Hansen, Hickory Public Service Director

Technical Assistance Provided By:
Western Piedmont Council of Governments

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BACKGROUND

Purpose

The concept of conducting small area plans for Catawba County was one of sixteen growth strategies resulting from the County's long-range Strategic Growth Plan (1999). The Growth Plan stated that the Small Area Plans "would explore general development patterns and trends and evaluate public service/facility deficiencies needing attention." The document further stated that the plans should also "include conceptual sketch plans based upon appropriate land use and zoning concepts and be used for consideration for future zoning changes and subdivision standards."

Through the development of the small area plan, a committee would assess their area's current quality of life and sustainability on issues such as traffic congestion, residential development patterns, water quality, library service levels, utility capacities and school facilities. Upon reviewing these issues, the committee then would recommend measures for improvement. Specifically, the Small Area Planning Committee was asked to discuss and develop goals and action statements for the following issues: 1) economic development; 2) natural resources; 3) cultural resources; 4) community facilities and public services; 5) housing; 6) land use and community design; and 7) transportation. The plan would then include implementation strategies for the goals and action statements, whether it is through ordinance or policy amendments, modified capital improvement plans, or coordination with other agencies to complete specific tasks.

Process

The process for developing the small area plan was a grassroots effort that began with the appointment of the Mountain View Small Area Planning (MVSAP) Committee in January 2000 by the Board of Commissioners. Eight initial committee members were interested citizens who live or own land in the Small Area Plan boundary and volunteered their time to develop a small area plan for their community. The committee also consisted of a Planning Board member who served as liaison to the Board. The County Planning staff and the Western Piedmont Council of Governments educated and assisted the committee in the development of their individual plan. During the process of developing the plan, the committee solicited input from citizens in the planning area through a community input meeting held in June 2000. At this meeting, citizens were asked how they saw their community developing in the future using a 10 to 20 year planning period. One hundred seventy-nine (179) residents participated in this meeting held at the Mountain View Elementary School. Results from this community input meeting are provided in Appendix A. The committee used this input in the development of the plan's guiding principles and recommendations. Upon completion of a draft plan, the committee sponsored another public meeting in November 2001, which also was held at the Mountain View Elementary School. At this meeting, the Plan's maps and recommendations were presented to the community. Input from the 170 residents who participated at this meeting was considered by the committee in amending the draft plan. When the committee's recommendations were complete, their final document was presented to the Planning Board and Board of Commissioners for review and consideration for adoption. Presentation to these Boards was through a public hearing process, where the public was invited to express its comments on the proposed plan. The committee presented the final document to the Planning Board at its February 25, 2002 meeting. Upon hearing citizen comments regarding the plan, the Planning Board conducted two joint meetings with the committee to address the issues presented. The Planning Board subsequently recommended the plan at its May 20, 2002 meeting. The Board of Commissioners held a special work session on June 17, 2002 with the Planning Board to review the Plan. The Board of Commissioners then conducted a public hearing on August 19, 2002 and directed staff to develop options for consideration by the Board. A second public hearing was held on October 21, 2002 for the Board to consider amendments to the plan. The Board of Commissioners adopted the plan at its October 21, 2002 meeting.

Over the next five years issues may arise that have not been addressed in this document. Since the plan is intended to be an active document, it must be capable of adapting to changes and new challenges. The MVSAP Committee recommends reviewing the plan every five years, or as conditions change. Amendments to the Plan have a potential impact on all residents and businesses in the Mountain View area and therefore should be treated in a manner that would allow for public input, through notice and hearings, during the amendment procedure.

It should be noted that many residents attending the June 2000 community meeting voiced their opposition to annexation by the City of Hickory. General Statute 160A-36 grants authority to municipalities to annex if certain statutory standards can be met. The MVSAP committee discussed the annexation concerns voiced by residents; however, they realized that municipalities do have the authority to annex.

STUDY AREA

The Mountain View Small Area Plan (MVSAP) study area boundary follows the Burke/Catawba County border to the west; the unincorporated area outside of Long View, Brookford and Hickory to the north; Robinwood Road and Zion Church Road to the east; Sandy Ford Road between Robinwood and Zion Church Roads to the south; Highway 10 between Zion Church Road and Highway 127 to the south; Greedy Highway between Highway 127 and the Burke/Catawba County line to the south. The study area encompasses 20,035 acres.

See Map 1, *MVSAP Boundary*

HISTORICAL CONTEXT

The Jacob Fork community, located north of the confluence of the Jacob Fork and Henry Fork, was one of the earliest identifiable communities in what would become Catawba County and the closest establishment to present day Mountain View.

Evidence indicates that Henry Weidner trapped in Catawba County as early as 1739. However, it wasn't until after 1748 that Weidner extended the Catawba Path west from Sherrills Ford, the earliest established community in present day Catawba County, along the ridge to Newton then south to Jacob Fork. In 1750 Weidner obtained his first land grant in the Jacob Fork area. The early inhabitants of Jacob Fork were descendants of Weidner or young men he gathered. In the late 1760s Weidner erected a school one mile south of the location that would become Zion Church in 1790. Churches played a valuable role in the early communities as they provided the means for residents to pass their values on to following generations. By 1820 John Wilfong was merchandising and operating a post office in the Jacob Fork community. The Jacob Fork community also served as a melting pot for German and English and by 1850 people of all types and backgrounds resided in Jacob Fork.

Bakers Mountain is another important landmark in the history of Mountain View. Peter Baker settled in the area in the 1700s and his son David resided there during the 1800s. The Mountain was named after the David Baker family. Original settlers used the south slope of the mountain for grazing cattle each summer, Tories used the mountain as a hideout during the Revolutionary War and local Germans pilgrimaged to the mountain slopes every Easter Monday.

Present day Mountain View reflects the heritage of the community. Residents still identify churches as a significant contributor to the community and Bakers Mountain remains a landmark that residents want to protect and preserve.

COMMUNITY PROFILE

ASSETS AND KEY ISSUES

During the June 2000 community meeting, Mountain View residents participated in small group discussions to identify their likes, dislikes and future visions of the community. As a result of the discussions, the committee identified broad categories of assets and key issues to direct their work. In the following sections of the report, more specific comments from the community meeting comprise the guiding principles of each topic.

Community Assets

- Rural character
 - Bakers Mountain
 - farms
 - open space
 - scenic topography
 - low density
 - community spirit
- Location
 - convenient to Hickory and major highways/interstate
- High quality services
 - schools
 - EMS and fire department

Key Issues

- Rapid commercialization along NC Highway 127 is resulting in traffic congestion and unattractive development.
- Housing developments are replacing farms with the consequent loss of open space, scenic topography and rural character.
- Schools are overcrowded.
- Additional recreational opportunities are needed.
- Encroaching development is threatening the scenic beauty of Bakers Mountain.

MAJOR POINTS OF REFERENCE

The Mountain View Small Area Plan encompasses approximately 20,035 acres of land in western Catawba County. Bakers Mountain, the highest point in Catawba County at an elevation of 1780 feet, lies in the western portion of the Mountain View study area and dominates the skyline for much of Catawba County. Other significant natural features in the study area include stretches of the Henry Fork in the north and the Jacob Fork in the south as these streams converge in the southeast to form the South Fork of the Catawba River

DEMOGRAPHIC PROFILE

The Mountain View area experienced steady growth in the decade of the 1990s. Beginning in 1990, the area had an estimated population of just over 8,000 persons. By the year 2000, the area grew to more than 10,000 persons, primarily driven by single-family subdivision growth. The 23.5% population growth rate during the 1990s is one of the highest for any area in Catawba County. Job growth in Hickory and elsewhere in Catawba County contributed to the rapid population increase in the 1990s. Though both population and the number of households increased, the number of people per household reflected a slight decline following the national trend.

Mountain View Small Area Plan, Study Area Growth: 1990 to 2000				
Year	1990	2000	Net Change	% Change
Persons	8,302	10,256	1,954	23.5
Households	3,020	3,945	925	30.6
Persons/Household	2.75	2.60	-0.15	-5.5

Source: US Census, 1990, and 2000; Catawba County GIS, 2000; as compiled by WPCOG Data Center, March 2001.

In comparison with county growth during the 1990s, the Mountain View area growth rate of 23.5% was higher than the 19.7% rate recorded for the total County. Mountain View's net gain of 1,954 persons represented over 8% of the total county population increase of 23,273. Both Mountain View and Catawba County experienced a decline in persons/household from 1990 to 2000 though the decline in Mountain View was more significant.

Catawba County Population Growth: 1990 to 2000				
Year	1990	2000	Net Change	% Change
Persons	118,412	141,685	23,273	19.7
Households	45,700	55,533	9,833	21.5
Persons/Household	2.59	2.55	-0.04	-1.5

Source: US Census, 1990, and 2000; Catawba County GIS, 2000; as compiled by WPCOG Data Center, October 2001.

The Mountain View SAP is comprised of portions of Census Tracts 111 and 118. See Map 2, *MVSAP Census Tracts*. The remaining demographic information is broken down by the Mountain View SAP, Census Tract 111, Census Tract 118 and Catawba County.

The population in Census Tracts 111 and 118 in the MVSAP as well as in Catawba County are predominately white.

Race and Ethnicity				
Place	White	Black	Other	Hispanic
Mountain View SAP	91.5%	4.3%	4.2%	1.6%
Census Tract 111	89.1%	6.6%	4.3%	2.1%
Census Tract 118	91.2%	5.5%	3.3%	1.5%
Catawba County	85.0%	8.4%	6.6%	5.6%

Source: US Census Bureau, 2000; WPCOG Data Center 2001.

Residents ranging in age from 19 to 64 comprise the largest population group of residents in Mountain View, Census Tracts 111 and 118 and Catawba County.

Age of Population			
Place	Persons Age 18 and Under (% of all persons)	Persons Age 19 to 64 (% of all persons)	Persons Age 65 and Older (% of all persons)
Mountain View SAP	2,820 (27.5%)	6,570 (64.1%)	866 (8.4%)
Census Tract 111	2,128 (24.2%)	5,604 (63.8%)	1,058 (12.0%)
Census Tract 118	2,795 (26.4%)	6,757 (63.8%)	1,034 (9.8%)
Catawba County	34,392 (24.3%)	89,868 (63.4%)	17,425 (12.3%)

Source: US Census Bureau, 2000; WPCOG Data Center 2001.

Between 1985 and 1990 66% of Mountain View residents remained in the same home compared to 55% in Catawba County. However, during that same time period Mountain View experienced 14.5% in-migration, which is comparable to the 16.1% experienced by Catawba County.

Change in Housing and Migration		
Place	% of Persons Living in the Same House Between 1985 and 1990	In-migration 1985 to 1990 (% of population)
Mountain View SAP	66.3%	569 (14.5%)
Census Tract 111	64.1%	848 (12.7%)
Census Tract 118	70.0%	879 (11.4%)
Catawba County	55.1%	19,027 (16.1%)

Note: In migration refers to those persons who moved into the listed place from another MSA between 1985 and 1990. All of the places listed in the table are part of the Hickory MSA. At the time of publication 2000 Census information was not available.

Source: US Census Bureau, 1990.

In 1990 the average commute time to work for Mountain View residents was 16.4 minutes, which is below the County average of 21.6 minutes.

Commuting Time to Work 1990		
Place	Average Work Commute Time	% of Workers Commuting Over 40 Minutes to Work
Mountain View SAP	16.4 minutes	2.3%
Census Tract 111	16.5 minutes	4.1%
Census Tract 118	20.8 minutes	5.9%
Catawba County	21.6 minutes	12.2%

Note: At the time of publication 2000 Census information was not available.

Source: US Census Bureau, 1990.

Contrary to the average commute time, Mountain View had a higher percentage of workers employed outside of Catawba County than the County as a whole.

Place of Work	
Place	% Employed Outside County of Residence
Mountain View SAP	13.1%
Census Tract 111	13.7%
Census Tract 118	14.2%
Catawba County	11.9%
Hickory-Morganton MSA	21.4%

Note: At the time of publication 2000 Census information was not available.

Source: US Census Bureau, 1990.

In 1990 21% of Mountain View residents were employed in professional occupations compared to 17.6% in Catawba County. Employment in service and professional support occupations showed a greater difference occurred between Mountain View (41.5%) and Catawba County (35.6%). Catawba County as a whole had more workers employed in manufacturing occupations. Farming occupations, near 1%, were low for both Mountain View and Catawba County.

Employment 1990				
Place	% Employed in Professions	% Employed in Service & Prof. Support	% Employed in Manufacturing	% Employed in Farming
Mountain View SAP	21.0%	41.5%	36.3%	1.2%
Census Tract 111	19.0%	34.5%	41.5%	0.5%
Census Tract 118	13.4%	31.4%	53.0%	2.2%
Catawba County	17.6%	35.6%	45.8%	1.0%

Note: At the time of publication 2000 Census information was not available.

Source: US Census Bureau, 1990.

Household income data from 1989 indicates a slightly higher median household income in Mountain View compared to Catawba County though Catawba County showed a higher percentage of household incomes over \$60,000.

Household Income 1989			
Place	1989 Estimated Median Household Income	% of 1989 Households with Incomes Below \$10,000	% of 1989 Household Incomes over \$60,000
Mountain View SAP	\$35,024	7.8%	13.5%
Census Tract 111	\$29,120	14.3%	9.7%
Census Tract 118	\$28,809	12.4%	8.9%
Catawba County	\$31,212	13.0%	15.7%

Source: US Census Bureau, 1990.

DEMOGRAPHIC PROJECTIONS

As job demand continues to rise in Catawba County, the population in the Mountain View Small area is projected to continue increasing at a moderate rate. By 2015 the population of Mountain View could approach 12,000 persons. The downward trend of fewer people per household is expected to continue.

Mountain View Small Area Plan, Projected Study Area Growth: 2005 to 2015					
Year	2005	2010	2015	Growth 2000 to 2015	% Change
Persons	10,934	11,577	12,089	1,833	16.8
Households	4,238	4,522	4,759	814	19.2
Persons/Household	2.58	2.56	2.54	-0.06	-2.3

Source: Catawba County GIS, 2000; as compiled by the WPCOG Data Center, March 2001.

This moderate population growth for the greater Mountain View area is predicated on growth rates that are less than 20% for the area. Future population growth within the Mountain View Small Area Plan boundary will be largely affected by the availability of public water and sewer and the County subdivision policy restricting development in school districts at or near 110% of their school capacity. If current subdivision policies remain in force, population growth will be limited in part by pre-existing or potential small lot development. However, if County policies on school capacities change, or if multi-family development or new residential subdivision growth is stimulated by the extension of municipal services and resulting voluntary annexations, the potential for growth will increase significantly. These moderate population projections would then need to be revised or updated extensively.

Population growth and consequent student population increases are issues of vital interest to Mountain View residents and County officials alike. Resident population in the Catawba County School system boundaries grew 25.6% from 74,267 to 93,670 persons during the 1990s. Fred T. Foard High School District experienced one of the largest population increases in Catawba County during the 1990s. Student increases provided the impetus for County and school officials to seek new ways of quantifying the components of student population change through Geographic Information System technology. The Western Piedmont Council of Governments produced *The Catawba County Growth Estimation Model: Study of the Catawba County, Hickory, and Newton-Conover School Systems* in conjunction with the Catawba County Schools, Hickory Public Schools and New-Conover City Schools. Findings from the report are discussed in the Community Facilities and Public Services section of this report.

LAND USE AND COMMUNITY DESIGN

CURRENT CONDITIONS AND TRENDS

Current Land Use

Residential uses and open space occupy the vast majority of land in the Mountain View study area. Accordingly, most parcels are zoned R-1, R-2 and R-3 with the bulk of the area falling into the R-2 district. The R-2 zoning district is intended to accommodate low density residential development, agriculture and the necessary governmental and support services in the more rural portions of the County. It permits modular and site-built homes, single-wide, and double-wide manufactured homes. It also includes bona fide farms.

Commercial activity is concentrated in the northern portion of the study area along NC Highway 127. A few scattered businesses exist along Highway 127 South and at the intersection of Old Shelby Road and Henry River Road. The commercial areas are primarily zoned C-2, which allows regional type businesses. Fewer commercial parcels are zoned C-1, which permits community service type businesses. The few parcels zoned C-3, previously non-conforming businesses, are not allowed to expand their land use.

Industrial and office-institutional uses within the study area are limited at this time. Many of the existing industrial uses in Mountain View are non-conforming. A use is classified as non-conforming if it was in existence prior to the implementation of zoning and the property was not zoned for that particular use. Non-conforming uses may continue their existence as long as they do not cease operation for more than 180 days but may be limited if proposed to expand. Southwood Reproductions, a furniture company, exists on NC Highway 127 south of NC Highway 10. Mountain View Elementary School, Jacobs Fork Middle School, Fred T. Foard High School, the Catholic Conference Center and several churches are the largest institutional uses in the study area.

Bakers Mountain, the highest point in Catawba County, lies in the western portion of the study area. Thus far, the only development on Bakers Mountain consists of public and private communications equipment and the County's Bakers Mountain park. The County's park is a passive recreation facility on the northeast slope of the mountain. New single-family residential development is encroaching at the base of the mountain on the eastern side.

Land uses in Mountain View also adhere to State mandated watershed regulations. The majority of the study area lies within the WS-III protected area, which allows up to one house per half acre and twenty-four percent lot coverage for business, multi-family and industrial uses.

See Map 3, *MVSAP Current Land Uses*

Land Use Distribution

The Mountain View SAP encompasses 20,035 acres of land. Of the 20,035 acres, approximately 27% are entirely vacant, leaving a significant amount of land available for development.

	Total Zoned Acreage		
	Total Acreage	Total Vacant Land	% Vacant
Mountain View SAP	20,035	5,415	27%

Land use in the study area consists of industrial, commercial, office-institutional and residential uses. Commercial uses constitute the largest percentage, both developed and vacant, of non-residential zoned land.

	<i>Acreage Zoned Non-Residential</i>		
	Total Acreage	Total Vacant Land	% Vacant
Industrial	48	0	0%
Commercial	197	103	52%
Office-Institutional	15	0	0%

Residential uses occupy the greatest percentage of land in the study area. Yet, roughly 27% of the residentially zoned land is entirely vacant. Over 5,300 acres are completely vacant while approximately 10,987 acres are occupied by a structure but are in lots of four acres or more that could be subdivided into two lots. Assuming that 85% of the total vacant land available for residential use is developed, the Mountain View area could see an additional 9,184 acres developed for residential purposes.

	<i>Acreage Zoned Residential</i>		
	Total Acreage	Total Vacant Land	% Vacant
Mountain View SAP	19,761	5,312	27%

The land use statistics indicate the substantial amount of land available for development in the Mountain View area.

See Map 4, *MVSAP Current Zoning Map*

Site Development Patterns and Land Design Trends

Historically, Mountain View was largely a rural, agricultural community. Gradually, the larger homesteads were sold and subdivided for single-family homes. Site-built homes have predominated over manufactured and multi-family homes. The greatest residential growth has occurred in the northern and central portion of the study area along NC Highway 127 and Zion Church Road, leaving the southern and western areas more rural. Larger, undivided tracts of land exist in the western and southern portions of the area with most agricultural land located in the south.

Commercial growth has also concentrated along NC Highway 127, north of Mountain Grove Road. Several businesses were voluntarily annexed by Hickory, primarily to obtain water and sewer services, and thus Hickory zones those parcels within the study area. Due to Hickory development standards, sidewalks, previously lacking in the Mountain View area, are gradually being added to businesses along Highway 127.

Industrial activity, while limited to this point, is anticipated to increase significantly. The completion of US Highway 321 and the River Road interchange has made land in that area attractive to developers seeking large parcels of land with access to major transportation routes. The City of Hickory has purchased 150 acres at the River Road interchange with the intention of creating a business park consisting of office, commercial, light industrial and residential space.

Recreational uses in Mountain View have consisted primarily of school and church facilities and Huffman Park. The private Mountain View Recreation Association operates Huffman Park and organizes leagues for team sports. In addition, the County created a passive recreation park on Bakers Mountain.

GUIDING PRINCIPLES

- P-1 Preserve rural character
- P-2 Protect property values
- P-3 Provide continuity in, and transition between, land uses
- P-4 Encourage housing options for people in all stages of life
- P-5 Manage growth opportunities and minimize undesired sprawl
- P-6 Encourage better subdivision design
- P-7 Require additional residential subdivision improvements
- P-8 Avoid retail strip shopping centers
- P-9 Create pedestrian friendly retail clusters in village-type developments
- P-10 Require more aesthetically pleasing designs from commercial uses
- P-11 Prevent over-commercialization
- P-12 Provide transition from residential to commercial districts

- P-13 Direct office-institutional uses to village-type developments that provide residential services
- P-14 Separate industrial areas from residential areas
- P-15 Limit the amount of land dedicated to industrial uses
- P-16 Direct industrial uses to planned park developments
- P-17 Protect Bakers Mountain from undesired development
- P-18 Preserve the remaining farms and/or explore opportunities for conversion to preserved open space
- P-19 Maintain rural atmosphere
- P-20 Protect scenic vistas

PLAN RECOMMENDATIONS

Mountain View residents prefer that Mountain View remain primarily residential with the exception of a few locations identified for commercial uses.

- LU-1 Designate an area for higher density residential uses, as shown on Map 5A, *Proposed Density Districts for the MVSAP*. See build-out scenario in Appendix B.
- LU-2 Higher density developments should adhere to the following design concepts:
 - .1 Cluster development options should be offered with a minimum open space preservation requirement of twenty-five percent (25%) and a sliding scale up to fifty percent (50%) with higher density bonuses;
 - .2 Single-family homes should be developed at a maximum density of 2 units per acre if water is not available and 2.5 units per acre if water is available, subject to approval by the County Environmental Health Department for septic;
 - .3 High density developments should not be subject to the availability of school capacity. See plan recommendations regarding schools on page 36.
- LU-3 If utilities are available to support multi-family developments, the preferred location for such developments would be along the US 321 corridor.
- LU-4 Designate an area for lower density residential uses, as shown on Map 5A.
- LU-5 Lower density residential areas should meet the following development requirements:
 - .1 Cluster development is required with open space preserved along the road frontage unless a traditional subdivision design is developed that can incorporate open space preservation and buffers around the development. Density bonuses will be offered for development which provides additional open space above the minimum 30% requirement;
 - .2 Single-family homes should be developed at a density of 1 unit per 2 acres.
- LU-6 Residential subdivisions should incorporate the following additional design criteria:
 - .1 Landscaping, limited driveways, road setbacks, buffers and/or berms that promote privacy, aesthetics and the scenic character of a new residential subdivision;
 - .2 Uniform subdivision marker signs;
 - .3 Sidewalks should be required for new developments along the road frontage of major thoroughfares.
- LU-7 Minimum standards for land preparation at new residential subdivision sites should be developed to minimize clear cutting of trees and the elimination of existing ground cover.
- LU-8 The installation of underground utilities should be encouraged in all new major residential subdivisions.
- LU-9 New residential subdivisions should include, where appropriate, the dedication of land(s) for schools, parks and passive recreation uses needed to serve the development's new residents.
- LU-10 Encourage multiple access requirements into subdivisions.
- LU-11 Examine current parcel zoning designations at Propst Crossroads and Advent Crossroads to:
 - .1 Define and regulate the extent of commercial activities in these retail nodes;

- .2 Provide for a potential expansion of commercial development in these areas;
- .3 Allow businesses that are intended to serve residents of the immediate area;
- .4 Limit their square footage to reflect the character of the surrounding community and neighborhoods;
- .5 Allow mixed uses (commercial and residential) within commercial structures;
- .6 Propst Crossroads should be designated Neighborhood Commercial with a site area of 10 to 25 acres and maximum gross leasable area of 50,000 square feet per lot;
- .7 Adverts Crossroads should be designated Rural Commercial with a maximum site area of 10 acres and a maximum gross leasable area of 15,000 square feet per lot.

See Map 6, *MVSAP Future Landuse Recommendations*

- LU-12 Identify and catalog all non-conforming commercial and industrial uses in the MVSAP boundary in order to monitor potential attempts at expansion, illegal continuances and/or changes to less conforming uses.
- LU-13 Review the current zoning regulations with respect to permitted uses for the G1 and G2 zones. Make appropriate changes regarding heavy commercial uses (e.g. tanker trucks, chain link fences etc.).
- LU-14 Identify and catalog all non-conforming signs in the MVSAP boundary in order to monitor potential attempts to locate new illegal signs, enlarge existing signs and continue illegal uses.
- LU-15 Establish a mixed-use overlay district along a segment of NC Highway 127, as shown on Map 6, to address the following:
 - .1 Access management – including ingress/egress, interconnectivity between developments, the number of accesses per development, driveway requirements and turn lane requirements;
 - .2 Landscaping - including additional interior parking lot landscaping, buffering of adjoining uses and road frontage landscaping;
 - .3 Shopping center design – including parking, signage, landscaping, lighting, etc.;
 - .4 Commercial signage regulations – including the prohibition of billboards;
 - .5 Parking requirements – including the storage of commercial vehicles in front yards.
- LU-16 The US 321/River Road interchange, as shown on Map 6, should be designated for mixed-use development consisting of multi-family and commercial uses.
- LU-17 Direct office-institutional uses to the US Highway 321 Corridor and River Road interchange and NC Highway 127 overlay district, as shown on Map 6.
- LU-18 Encourage office or institutional developments in park-like settings.
- LU-19 Limit industrial uses to the US Highway 321 Corridor, as shown on Map 6.
- LU-20 If industrial uses are developed encourage light intensity uses in park-like settings.
- LU-21 Preserve areas in floodplains and land around such known resources as the Jacob Fork, the Henry Fork, Hop Creek and Bakers Mountain.
- LU-22 Preserve rural character in low density areas by limiting development even if water and sewer are available.
- LU-23 Educate property owners of rural farms on ways of preserving those uses by providing information on conservation easements and tax credit measures.
- LU-24 Create a mountain protection district in a defined area around Bakers Mountain as a means of limiting future development on Bakers Mountain due to environmental concerns. See Map 7, *MVSAP Natural and Cultural Resources*.
- LU-26 Develop a mechanism for preserving open space resources by seeking legislation to create a transfer of development rights (TDR) type component for the zoning ordinance.

TRANSPORTATION**CURRENT CONDITIONS AND TRENDS****Roads & Highways**

The Hickory-Newton-Conover Metropolitan Planning Organization (MPO) includes the Mountain View area for the purpose of planning and implementing transportation systems. Since its inception in 1983, the MPO has faced significant growth in retail, commercial and residential developments. Consequently, traffic congestion plagues many locations in the planning area, particularly in Mountain View.

North Carolina Highway 127 South, a major north-south thoroughfare, serves the Mountain View area. In 1988 18,900 vehicles per day utilized Highway 127 near the northern end of the planning area. Vehicles per day grew to 24,800 in 1994. However, the 1999 count dropped to 19,000 vehicles per day.

<u>NC Highway 127 South</u> Northern End of Planning Area Vehicles Per Day	
1988	18,900 VPD
1994	24,800 VPD
1999	19,000 VPD

The decrease in vehicles per day is attributed to the new US 321 Freeway. US 321 is a controlled access freeway connecting Interstate 85 in Gastonia to the Hickory-Newton-Conover Urban Area. The freeway presently serves 25,000 vehicles per day in the River Road area. A new interchange with US 321 at Sandy Ford Road will further impact the Mountain View area. The new interchange construction is projected to be completed by 2010. While US 321 has alleviated some of the traffic congestion in Mountain View on NC Highway 127, continued growth in the Mountain View area will once again increase traffic. To reduce traffic congestion and adequately provide for future travel demands, the MPO adopted the Hickory-Newton-Conover Urban Area Transportation Plan in 1986 and updated the plan in 1996. A technical update of the Hickory-Newton-Conover Urban Area Transportation Plan was adopted on September 11, 2001.

The primary objective of the thoroughfare plan is to assure that a street system can be progressively developed to adequately serve future travel needs. In the adopted MPO thoroughfare plan, the MPO addresses the needs of Highway 127. Traffic congestion in Mountain View is attributed to the capacity and design deficiencies of Highway 127. To remedy the existing deficiencies of Highway 127, the MPO recommends widening the road to multi lanes from US 321 to the Jacob Fork. The Catawba County Thoroughfare Plan recommends widening Highway 127 from the Jacob Fork to NC 10, an area outside of the MPO planning area. This project is listed on the State Transportation Improvement Program (STIP) as an unfunded project.

Also recommended by the MPO and listed on the 2000-2006 STIP is the Southern Corridor. The Southern Corridor is a proposed four lane divided boulevard extending from I-40 in Long View to US 321-B in Newton. In addition to creating a regional loop, the Southern Corridor will expand the possibilities for development in the Mountain View area as well as provide an alternative route to Highway 127 for major thoroughfare trips.

Pedestrian System

Presently, Catawba County does not regulate or require sidewalk construction. However, the City of Hickory requires sidewalks in all new developments. Hickory has jurisdiction over several parcels along Highway 127 in the Mountain View area. New developments within Hickory's jurisdiction are required to install sidewalks though they will not necessarily connect to other sidewalks at this time. Hickory also adopted a sidewalk plan that encourages linking sidewalks and greenways. In general, Mountain View lacks a pedestrian system offering options for connectivity between residential areas and commercial developments.

Bicycle System

Due to the rural nature of the outlying areas, Mountain View is a popular area for bicyclists. To date, the MPO has installed "Share the Road" signs on Robinson Road, Sandy Ford Road and Zion Church Road. The NCDOT has also funded a Bicycle Route Map and signing project that will begin in late 2001 with expected completion in one year. A

system of off-road bicycle trails does not exist in Mountain View.

Transit System

The Piedmont Wagon Transit System (PWTS) offers limited transit service to Mountain View residents. Five days a week vans are available through the Piedmont Wagon to transport senior citizens and disabled residents in the Mountain View area. A rural general public fixed route began service in early 1999 that operates on Robinson Road, NC Highway 10 and NC Highway 127 two days per week. The service is open to anyone and operates on a fixed route and time. Plans are underway to expand this service in terms of frequency and service area.

Passenger Rail

The NCDOT has determined that the next expansion of passenger rail service in the State will be in Western North Carolina. Plans are underway to initiate service between Raleigh and Asheville with a stop in downtown Hickory. A portion of the former Hickory depot, now entirely occupied by a restaurant, will return to a passenger waiting area. This service is expected to be operational within five years.

GUIDING PRINCIPLES

- P-1 Reduce traffic congestion on NC Highway 127
- P-2 Establish safer roads for drivers, pedestrians and bicyclists
- P-3 Create more aesthetically pleasing road designs
- P-4 Guide development to preserve future rights-of-way
- P-5 Support *Hickory-By-Choice* recommendations regarding transportation
- P-6 Maintain rural character
- P-7 Connect existing sidewalks and develop new ones
- P-8 Provide greenways and trails that link with sidewalks
- P-9 Promote road-sharing with bicyclists
- P-10 Increase pavement width on designated roads to accommodate bicyclists
- P-11 Offer off-road bicycling options
- P-12 Expand the public transportation service area and frequency of trips
- P-13 Help transportation dependent citizens, i.e., seniors, disabled persons and non-drivers, obtain mobility
- P-14 Promote links with other transit modes to support a seamless transportation network
- P-15 Increase independence for transportation dependent residents

PLAN RECOMMENDATIONS

Catawba County does not maintain roads; therefore, the following recommendations will be forwarded to NCDOT or used in areawide thoroughfare planning.

- T-1 Install traffic signals and/or redesign intersections at:
 - .1 Blackburn School and NC Highway 10
 - .2 Bethel Church Road and Zion Church Road.
- T-2 Evaluate safety and design of:
 - .1 Advent Crossroads
 - .2 Homestead Subdivision
 - .3 NC Highway 10 and Zion Church Road.
- T-3 Develop a future street-line ordinance to protect future rights-of-way from development.
- T-4 Create an outdoor advertising ordinance and evaluate permitting outdoor advertising on designated roads to reduce existing sign clutter and preserve rural views.
- T-5 Designate the following as local, state or federal scenic highways:
 - .1 US Highway 321
 - .2 Old Shelby Road
 - .3 Greedy Highway
 - .4 Finger Bridge Road
 - .5 Henry River Road

- .6 Zion Church Road
- .7 NC Highway 127

- T-6 Establish a commercial overlay district on NC Highway 127 (see Map 6) that will address access management, landscaping, signage, lighting, setbacks, sidewalks and other land use development standards.
- T-7 Widen NC Highway 127 to four lanes with a landscaped median.
- T-8 Continue to support the completion of construction of US Highway 321 interchange at Sandy Ford Road.
- T-9 Upgrade existing roads and evaluate the need for new connectors between US Highway 321 and NC Highway 127.
- T-10 Continue to support the construction of the Southern Corridor. The preferred design for the Southern Corridor is four lanes with a landscaped median.
- T-11 Designate the southern portion of the Southern Corridor from Zion Church Road to NC Highway 127 as a higher construction priority.
- T-12 Implement a pedestrian plan/sidewalk ordinance. Areas with the greatest need should be a priority, including urbanized areas, major roads, schools and parks. The pedestrian plan/sidewalk ordinance should require new developments on major thoroughfares provide sidewalks and bicycle lanes on the thoroughfare frontage to connect with existing or proposed sidewalks and bicycle lanes.
- T-13 Recommend that Hickory connect sidewalks within its jurisdiction.
- T-14 Develop a plan to create a greenway for pedestrians and bicyclists. The preferred routes for the greenways would be along the Henry and Jacob Forks, Duke Power right-of-ways and Bakers Mountain.
- T-15 Implement the greenway plan.
- T-16 Create linkages between residential, commercial and industrial developments. Ideally, commercial and residential developments would be connected to public institutions (i.e. Mountain View Elementary School) and recreational facilities.
- T-17 Add an extra one to two feet of asphalt when re-paving existing roads to allow for safer road sharing between bicycles and automobiles. Roads that should be widened include Robinson Road, Sandy Ford Road, Zion Church Road, Old Shelby Road, Mountain Grove Road and Pittstown Road.
- T-18 Major projects such as the NC Highway 127 widening and the new Southern Corridor should be designed to accommodate bicyclists.
- T-19 Create a greenway system for pedestrians and bicyclists. The preferred routes for the greenways would be along the Henry and Jacob Forks, Duke Power right-of-ways and Bakers Mountain.
- T-20 Develop an off-road system of bicycle trails to connect with the greenway system. Bakers Mountain would be an ideal location for such trails.
- T-21 Publicize existing services offered by Piedmont Wagon.
- T-22 Support short-range recommendations of the Piedmont Wagon Public Transit Master Plan.
- T-23 Expand Rural General Public (RGP) routes and frequency of service.
- T-24 Support mid-range recommendations of the Piedmont Wagon Public Transit Master Plan.
- T-25 Connect with the regional transit system.
- T-26 Support long-range recommendations of the Piedmont Wagon Public Transit Master Plan.
- T-27 Encourage local elected officials to lobby the North Carolina General Assembly to budget full funding for the

creation of Western North Carolina passenger rail service.

T-28 Promote the development of multi-modal transportation systems to link with passenger rail service.

T-29 Expand the frequency of passenger rail service.

T-30 Continue the development of linkages with public transportation services.

T-31 Establish "gateway" improvements in the area which may include landscaping and welcome signs. Funding for these improvements may come from Federal or State grants.

See Map 8, *MVSAP Current, Planned and Recommended Transportation System*

COMMUNITY FACILITIES AND PUBLIC SERVICES

CURRENT CONDITIONS AND TRENDS

SCHOOLS

The Mountain View study area is located within the Fred T. Foard High and Jacobs Fork Middle school districts. Banoak, Blackburn, Mountain View and a portion of Startown elementary schools feed Fred T. Foard High and Jacobs Fork Middle schools. Students in the Mountain View study area attend Mountain View or Blackburn Elementary schools.

Mountain View Elementary School

From the 1995-96 school year to the 2001-02 school year, Mountain View Elementary School's population remained stable.

Mountain View Elementary School 1 st Month Enrollment			
School Year	Total Student Population	Change	% Change
1995-1996	759	-	-
1996-1997	777	18	2.4%
1997-1998	769	-8	-1.0%
1998-1999	759	-10	-1.3%
1999-2000	751	-8	-1.1%
2000-2001	733	-18	-2.4%
2001-2002	710	-23	-3.2%

Source: Catawba County Growth Estimation Model: Study of the Catawba County, Hickory and Newton-Conover School Systems, 2001

Mountain View Elementary School is predicted to continue on a slow growth trend with an estimated 40 to 50 new students added to the student population over the next seven years. If the slow growth trend continues the school will likely remain around 100% capacity through 2006.

Blackburn Elementary School

The Blackburn Elementary School attendance area experienced significant population growth during the 1990s and consequently student population increased.

Blackburn Elementary School is currently at capacity and over the next seven years nearly 200 additional students are projected. By 2007 the school could reach 130% building capacity.

Blackburn Elementary School 1 st Month Enrollment			
School Year	Total Student Population	Change	% Change

1995-1996	546	-	-
1996-1997	570	24	4.4%
1997-1998	578	8	1.4%
1998-1999	626	48	8.3%
1999-2000	649	23	3.7%
2000-2001	677	28	4.3%
2001-2002	662	-15	-2.3%

Source: Catawba County Growth Estimation Model: Study of the Catawba County, Hickory and Newton-Conover School Systems, 2001

Jacobs Fork Middle and Fred T. Foard High Schools

Both Jacobs Fork Middle and Fred T. Foard High schools experienced growth in the 1990s.

1 st Month Enrollment						
Jacobs Fork Middle School				Fred T. Foard High School		
Year	Total Student Population	Change	% Change	Total Student Population	Change	% Change
1995	564	-	-	974	-	-
1996	555	-9	-1.6%	980	6	0.6%
1997	586	31	5.6%	1,028	48	4.9%
1998	637	51	8.7%	1,034	6	0.6%
1999	620	-17	-2.7%	1,090	56	5.4%
2000	628	8	1.3%	1,141	51	4.7%
2001	676	48	7.1%	1,182	41	3.5%

Source: Catawba County Growth Estimation Model: Study of the Catawba County, Hickory and Newton-Conover School Systems, 2001

Jacobs Fork Middle School is currently at 90% capacity with a predicted peak of 800 students by 2005. In 2000 Fred T. Foard High School was 241 students over the original building capacity.

PARKS AND GREENWAYS

School and church facilities as well as Huffman Park comprise the recreational facilities in the Mountain View study area. The Mountain View Recreation Association operates Huffman Park, located on Highway 127, and organizes leagues for team sports.

In June 2002, Catawba County opened a passive recreation park on Bakers Mountain. The Bakers Mountain Park includes 196 acres of passive recreational opportunities for residents of Catawba County and surrounding areas. Of the 196 acres, only 8.8 acres are disturbed to provide 25 parking spaces, picnic areas and scrub growth removal from meadow areas. Two and one-half miles of trails with a one-quarter mile paved handicap accessible trail are provided.

LIBRARIES

The Southwest Branch of the Catawba County library system is located on Highway 127 South in the Mountain View study area. The Southwest Branch serves residents six days per week May through August and seven days per week September through April. Currently, there are 6,021 registered library users at the Southwest Branch. As of October 2001 the library has 26,789 books and six public access computers. Programs offered by the library include weekly preschool and toddler story times, special presentations for school groups and occasional youth or adult programs.

The Southwest Branch Library is located in a shopping center and is six years into a ten-year lease, which expires October 1, 2006. A library facility study is underway to investigate the possibility of a permanent structure, perhaps at Propst Crossroads.

WATER SERVICE

The City of Hickory and Catawba County have partnered to provide water service to schools within the Mountain View area of Catawba County. When the County pays for water lines in the unincorporated areas of the County, the cities maintain the lines and then the city and County share the revenues collected. The existing water lines in the Mountain View area are along Highway 127 throughout the study area; Zion Church Road from Highway 321 to Sandy Ford Road; River Road from Highway 321 to Sandy Ford Road; Highway 10 from Propst Crossroads west; Huffman Farm Road from Highway 127 to Pittstown Road; Old Farm Road; and Bethel Church Road from Highway 127 to Wallace Dairy Road. Two new water lines, to be located on Mountain Grove Road to Advents Crossroads and in the Jamestown Subdivision, are currently being installed and are expected to be complete by July 1, 2002.

SEWER SERVICE

The City of Hickory currently has sewer lines in a few locations bordering the Mountain View study area. Along Highway 127 there is a line from the study area boundary to Frye Avenue. Another line runs along Wallace Dairy Road from Elizabeth Avenue northeast to Zion Church Road, then north along Zion Church Road to Bowman Road, then east along Bowman Road to the Henry Fork, then following the Henry Fork to Thompson Street. In a recent sewer study the City has recommended an additional main trunk line in the Highway 321/River Road area.

EMERGENCY SERVICES

Catawba County's E911 Center dispatches emergency calls throughout Catawba County, including the police, fire and EMS serving Mountain View residents.

Police

The main element of the Catawba County Sheriff's Department is the Uniform Patrol Division. Twenty-six officers comprise this Division and provide patrol 24 hours per day.

Fire

Mountain View Fire Department and Propst Crossroads Volunteer Fire Department serve Mountain View residents. The Mountain View Fire Department was chartered in 1962 and is located on Highway 127 South. In addition to the fire chief, a full-time employee, two captains, three lieutenants, a traffic officer and thirty suppression volunteers comprise the Mountain View Fire Department. On average the Mountain View Fire Department responds to 150 calls per year.

The Propst Crossroads Volunteer Fire Department was formed in the early 1960s to serve the southwest area of Catawba County. Twelve board of directors oversee the Propst Crossroads Volunteer Fire Department which consists of a Chief and Assistant Chief and 40 members.

EMS

Catawba County has six EMS stations with the closest stations to the Mountain View study area being at Propst Crossroads and on Lenior-Rhyne Boulevard in Hickory. The EMS providers average a response time of eight minutes or less and are capable of stabilizing patients at the scene of an emergency and providing basic and/or advanced life support. In 1999 the EMS providers responded to 1,398 calls in the Mountain View area. Catawba County is looking to add an additional EMS station at the intersection of Highway 127 and Zion Church Road.

GUIDING PRINCIPLES

- P-1 Plan school capacity to alleviate overcrowding of facilities
- P-2 Provide additional recreation opportunities for all age groups
- P-3 Promote cultural events and facilities
- P-4 Combine passive recreation and open space preservation interests
- P-5 Link recreational facilities with residential developments
- P-6 Maintain a branch library in the Mountain View community
- P-7 Encourage water and sewer services in areas dedicated for higher density development and elsewhere to alleviate environmental issues
- P-8 Address failing water systems

- P-9 Maintain current level of emergency services
- P-10 Retain EMS in a centralized area

PLAN RECOMMENDATIONS

In general, the MVSAP recommends grouping County facilities (i.e. library, EMS, recreation facility, schools) at a centralized location in high density areas with water/sewer service and access to major transportation routes.

- CF-1 The current school capacity requirement would be lifted for the high density residential areas as shown on Map 5A.
- CF-2 Identify ideal sites for additional schools and begin acquiring land for future school needs.
- CF-3 Assess the availability of infrastructure to support a school when evaluating a potential site.
- CF-4 Coordinate with school facility planners to review potential sites for new schools.
- CF-5 Additional industrial zoning should not be encouraged around Fred T. Foard High School and Jacobs Fork Middle School.
- CF-6 The Catawba County Board of Education approved a Long Range Plan in September 2000 to address school construction bond priorities, annual capital outlay requests and additional capital needs for 2001 through 2006. The MVSAP Committee reviewed the Long Range Plan and supports the goals, which, at Fred T. Foard High School, include:
 - 2001-2002
 - .1 Classroom addition
 - .2 New administrative area
 - .3 New media center
 - .4 Renovation of existing media center
 - 2002-2003
 - .5 New gymnasium
 - .6 New cafeteria
 - .7 Renovate existing cafeteria
 - .8 Update football stadium
- CF-7 Continue to support the development of County park facilities on Bakers Mountain.
- CF-8 Acquire land or increase pavement width on existing roads to construct bicycle lanes connecting Bakers Mountain Park and the Henry Fork Regional Recreation Park.
- CF-9 Provide canoe and raft portage points on the Henry Fork and Jacob Fork.
- CF-10 Create trails along the Henry and Jacob Forks to accommodate the needs of hikers, bicyclists and equestrians.
- CF-11 Require new developments on major thoroughfares (i.e. NC Highway 127, Zion Church Road, Bethel Church Road, Wallace Dairy Road) provide sidewalks and bicycle lanes on the thoroughfare frontage to connect with existing or proposed sidewalks and bicycle lanes.
- CF-12 Expand the Mountain View Branch Library to keep pace with growth in the community.
- CF-13 Continue to support the library facility study.
- CF-14 Designate areas for utility expansion, direct growth in those areas and require utility placement prior to development.
- CF-15 Partner with municipalities to provide utilities consistent with adopted land use plans.

CF-16 Increase services to keep pace with growth in the community.

CF-17 The County should actively recruit an urgent care facility for the Mountain View community.

HOUSING

CURRENT CONDITIONS AND TRENDS

Population growth in Mountain View contributed to growth in the number of housing units in the study area. Mountain View experienced 24% growth in population from 1990 to 2000 with continued growth projected. Housing growth may be tracked through building permits. Building permits are issued for any new construction and are recorded at the Census Tract level. The Mountain View study area is located within portions of Census Tracts 111 and 118. See Map 2. The following table breaks down the total number of building permits issued from 1995 through 1999 in Census Tracts 111 and 118 by type of home, single-family site-built, multi-family and manufactured.

Catawba County Residential Building Permits by Census Tract 1995-2000			
Tract	Single-Family Site-Built	Manufactured Homes	Multi-Family
111	337	126	23
118	475	545	15
Total	812	671	38

Source: Catawba County and City of Hickory Building Inspection Departments, 1995-2000.

Single-family site-built and manufactured homes received the same number of total permits. However, the Mountain View study area includes almost all of Census Tract 111 yet only a portion of Tract 118. Census Tract 118 had significantly more manufactured home permits than Tract 111, as evidenced by the trend in Mountain View for single-family site-built homes. Few multi-family permits have been issued, due primarily to the lack of water and sewer service needed to serve higher density developments.

In general, the number of manufactured home permits being issued is decreasing while single-family site-built permits are increasing in Catawba County.

Catawba County Residential Permits 1995-2000			
Year	Single-Family Site-Built Permits	Manufactured Home Permits	Multi-Family Permits
1995	628	838	41
1996	812	729	157
1997	787	666	104
1998	835	739	159
1999	949	651	79
2000	995	539	165

Source: City of Hickory and Catawba County Building Inspections Departments, 1995-2000

GUIDING PRINCIPLES

- P-1 Encourage more aesthetically pleasing subdivision designs
- P-2 Encourage the preservation of open space as development increases
- P-3 Direct multi-family housing to appropriate locations
- P-4 Provide for the location of manufactured homes
- P-5 Promote low maintenance, alternative housing opportunities for seniors

PLAN RECOMMENDATIONS

- H-1 Residential subdivisions should incorporate additional design criteria to address signage, landscaping, tree retention and environmental issues as identified in the land use section.
- H-2 A pedestrian plan/sidewalk ordinance should be implemented to require new developments on major thoroughfares provide sidewalks and bicycle lanes on the thoroughfare frontage to connect with existing or

proposed sidewalks and bicycle lanes.

- H-3 Rezone the areas shown on Map 9, *MVSAP Proposed Zoning Map Amendments* to R-1. R-1 zoning allows for stick-built and modular homes. The proposed rezoning would create a continuous corridor of R-1 zoning along Highway 127, provide a buffer around existing subdivisions and zone land consistent with existing single-family site-built subdivisions.
- H-4 Designate the US Highway 321 corridor and the interchange at River Road for multi-family development. See Map 6.
- H-5 Patio homes, townhomes and similar structures, as well as apartments, are a part of the overall recommendation for multi-family developments.
- H-6 Direct manufactured homes to areas zoned R-2.
- H-7 Amend the current zoning ordinance to require non-conforming manufactured homes be replaced with doublewide homes when a property owner requests to replace a home.
- H-8 The County should create more opportunities for retirement housing communities. The County Agency on Aging should recruit developers of progressive care communities.
- H-9 Allow density bonuses to developers when they provide starter housing stock in residential and mixed-use developments.

ECONOMIC DEVELOPMENT

CURRENT CONDITIONS AND TRENDS

Catawba County experienced a shift in industry over the past twenty years from the historically dominant textile and furniture industries to the manufacturing of fiber optic cable, coaxial cable, satellites and electronic equipment. The Mountain View study area has limited existing industrial development, 48 acres, and residents wish to maintain that status. Many of the existing industrial uses in Mountain View are non-conforming. A use may be classified as non-conforming if it was in existence prior to the implementation of zoning and when the property was zoned it was not zoned for that particular use. Non-conforming uses may continue their existence as long as they do not cease operation for more than 180 days, but will be limited if proposing to expand.

With the completion and opening of US Highway 321, development pressures are inevitable along the corridor. To promote sound development in the vicinity of US 321, Catawba County adopted the US 321 Corridor District Plan. The US 321 Corridor District Plan called for the creation of the 321-ED District to implement the strategies and policies of the Plan. The 321-ED District includes the 321-ED(MX) and the 321-ED(I) zoning designations. Approximately 2000 acres in the US Highway 321 corridor were proactively rezoned by the Catawba County Commissioners to ED(I), light manufacturing, and 321-ED(MX). Any combination of retail, commercial, office/institutional and residential components (excluding large lot single-family homes) are permitted in the 321-ED(MX). Within the Mountain View SAP boundary roughly 121 acres at the US Highway 321 interchange with River Road are zoned ED(MX).

The US 321 Corridor District Plan also called for an urban transition zone to serve a multipurpose role. The urban transition zone would serve as a buffer between residential and non-residential uses, allow office and higher density residential development and identify potential land for more intense non-residential uses in the future.

The Mountain View SAP endorses the US 321 Corridor District Plan.

GUIDING PRINCIPLES

- P-1 Create more aesthetically pleasing developments
- P-2 Encourage retail villages
- P-3 Attract additional service establishments, i.e. restaurants
- P-4 Limit industrial development
- P-5 Continue to separate industrial uses from residential uses
- P-6 Direct industrial uses to appropriate locations with adequate water/sewer services and access to transportation routes

PLAN RECOMMENDATIONS

- ED-1 Designate a mixed-use corridor along NC Highway 127, as shown on Map 6, and create an overlay district to address aesthetic and safety issues as identified in the land use section.
- ED-2 Include areas of transition in the US 321 Highway corridor on the future land use plan. See Map 6. The transition areas should include activities such as:
- .1 Office developments
 - .2 Neighborhood retail/commercial and entertainment uses
 - .3 Public facilities
 - .4 Mixed-use developments
- ED-3 Designate the US 321 Highway corridor as a scenic highway and adopt appropriate regulations to protect the scenic quality of the area as development occurs. See transportation section and Map 8.
- ED-4 Designate the northeast quadrant of the interchange at US Highway 321 and River Road as ED(I) for future industrial development. See Map 6.
- ED-5 Industrial uses, if developed, should be constructed in an attractive park-like setting without heavy traffic, air and noise pollution. Light industrial uses should be the focus of such development.

NATURAL RESOURCES

CURRENT CONDITIONS AND TRENDS

Mountain View residents identify natural resources, such as Bakers Mountain, farms, open space and scenic topography as significant community assets. Several strategies to protect these natural resources are already in place while other strategies were discussed in the Strategic Growth Plan and are further supported by the Mountain View Small Area Plan.

RIVERS

To protect water quality, the State of North Carolina enacted the Water Supply Watershed Protection Program in 1989. The Program requires all local governments with land use planning jurisdiction in water supply areas to administer a water supply watershed protection ordinance to protect surface drinking water. The majority of the Mountain View study area falls within the WS-III Protected Area Watershed. WS-III Protected Areas are limited to two dwelling units per acre. Multi-family, business, church and industrial uses are limited to 24% impervious lot coverage though non-residential uses may apply for a 5/70 exception. The 5/70 exception is granted through the special use permit process and allows up to 5% of the land in the watershed to be developed at 70% coverage.

BAKERS MOUNTAIN

Bakers Mountain is a predominant landmark in Mountain View and Catawba County. Thus far, the only development on Bakers Mountain consists of public and private communications equipment. Catawba County developed a 196-acre passive recreation park on the northeast slope of Bakers Mountain. New single-family residential development is encroaching at the base of the mountain on the eastern side. In 1989 Catawba County amended the County Zoning Ordinance to include a Mountain Protection District. The Mountain Protection District is intended to protect native flora and fauna on the mountains, avoid severe disruption adjacent to and downstream from the mountains, preserve the physical integrity of the mountains' surface and ensure the continuation of their landmark status. However, the Mountain Protection District was never designated anywhere on the official Zoning Map for Catawba County.

OPEN SPACE AND SCENIC TOPOGRAPHY

Mountain View residents named rural character, including low density development, open space, farms and scenic topography as characteristics they value in Mountain View. Of the 20,035 acres in Mountain View approximately 5,415 acres are entirely vacant. Another 10,987 acres are occupied by a structure but are in large tracts of at least four acres. The vast amount of vacant land contributes to the rural character of Mountain View, yet also makes the community vulnerable to significant development. The Strategic Growth Plan suggested the creation of several

programs, such as voluntary transfer of development rights, purchase/lease of development rights and voluntary farmland preservation to assist property owners in maintaining their current rural use and preserving open space for the community.

GUIDING PRINCIPLES

- P-1 Protect water quality
- P-2 Preserve the scenic quality of river corridors
- P-3 Utilize rivers for environmentally sound recreational activities
- P-4 Minimize impacts of residential development
- P-5 Provide recreational opportunities
- P-6 Maintain rural character
- P-7 Preserve open space
- P-8 Assist farmers/property owners desiring to maintain the agricultural or open space use of their property
- P-9 Protect scenic corridors and views as well as wildlife corridors

PLAN RECOMMENDATIONS

During a community meeting held at the onset of the Mountain View SAP process, residents overwhelmingly stated that rural character was the amenity that they valued most in the community. Much of Mountain View's rural character is linked to natural resources such as Bakers Mountain, Henry and Jacob Forks, open space and scenic vistas. Residents also realized that the rural character and natural resources of the area were being threatened by development. With these factors in mind, the Mountain View SAP committee discussed means to preserve rural character through the protection of natural resources. The following recommendations are intended to begin a process and develop guidelines to preserve what is essentially "Mountain View."

- NR-1 Create scenic and wildlife corridors by utilizing rivers, such as the Henry Fork and Jacob Fork, and floodways for open space planning.
- NR-2 Establish standards for new development on Bakers Mountain above 1100 feet in the area designated as "Mountain Protection" on Map 7. All new major subdivisions will be subject to a planned development process which will address the following:
 - .1 lot clearing limits based on percent slope
 - .2 height restrictions
 - .3 building material and finishes of homes and signage to be compatible with the natural environment
 - .4 environmentally sensitive road and lot configurations

The average density allowable is one unit per two acres. To minimize the impacts to environmentally sensitive areas, the transferring of densities within the development will be strongly encouraged.

- NR-3 Complete initial plans for Bakers Mountain Park and protect undeveloped land within the Park.
- NR-4 Set as priority the purchase of additional land on Bakers Mountain for future expansion of the Park.
- NR-5 Preserve green space in undisturbed, natural states to support wildlife corridors.
- NR-6 Designate scenic highways identified in the transportation section and Map 8.
- NR-7 Educate farmers/property owners regarding programs available to assist them in maintaining the current use of their property.
- NR-8 Design and implement a recreation/open space plan to link Bakers Mountain Park with Henry Fork Regional Recreation Park.

The above recommendations come together as shown on Map 7, which illustrates the future vision of rural character, natural resources and recreation in the community. The recommendation calls for two focal points, Bakers Mountain Park and Henry Fork Park, with trails connecting the two. An additional trail would link Bakers Mountain Park with the Jacob Fork. Trails would then follow the Jacob and Henry Forks with opportunities for hikers, bicyclists and horses as well as canoeists.

CULTURAL RESOURCES

CURRENT CONDITIONS AND TRENDS

In the early nineteenth century agriculture was the dominant livelihood of North Carolinians. Today, Mountain View residents identify the remaining agricultural uses contributing to the rural character they enjoy and wish to preserve. A few of the historic sites remaining in the Mountain View area are described below.

Built in 1903 near Propst Crossroads, the Sharpe-Gentry Farm exemplifies a Queen Anne style house with a barn and granary. The Sharpe-Gentry Farm is listed on the National Register of Historic Properties. Yoder's Mill, located east of Zion Lutheran Church, is preserved as an archeological site today. Molasses and lumber were produced at Yoder's Mill, circa 1857. Zion Lutheran Church and cemetery were organized in 1790 and became the first exclusively Lutheran Church in North Carolina west of the Catawba River. Yoder's Mill produced handmade brick for the church. Bethel United Church of Christ and cemetery date to 1880 and exemplify Gothic Revival styling.

See Map 7.

GUIDING PRINCIPLES

P-1 Recognize and protect cultural resources

PLAN RECOMMENDATIONS

CR-1 Request that the Catawba County Historical Association identify bona-fide historical sites in the MVSAP.

CR-2 Provide Catawba County Planning with a database of historical sites so that proposed developments on or near significant historical areas can be flagged and encouraged to preserve the character of the area.

Appendix A

Following are the results from the first community meeting held on June 27, 2000 at the Mountain View Elementary School. One hundred seventy-nine (179) residents participated in this meeting.

Community Meeting Voting Tally

The issues that residents voted on were combined into general categories and the total number of votes tallied in each category.

<u>Issues</u>	<u>Votes</u>
Do not want to be annexed by Hickory	108
Like the Mountain View community	87
Like the services offered in Mountain View	83
Would like more services in the future	67
Would like residential improvements in the future	62
Concerned about services	49
Concerned about commercial/industrial uses	38*
Concerned about residential uses	37*
Would like better commercial/industrial uses in the future	37
Concerned about transportation	35
Boundary of Mountain View too large	27
Concerned about aesthetics	15
Would like better transportation in the future	12
Would like better aesthetics in the future	8
Like current commercial/industrial status	6
Like residential status	2
Concerned about the environment	2
	638

*37 residents voted for too much development. Staff included the 37 votes in both residential and commercial development and as a result had to subtract 37 votes from the total.

The general categories listed above are broken out below to show the specific issues that residents voted on. If an issue has (0) beside it, that indicates that the issue was listed for voting but no one voted for it. If an issue does not have a number after it that means the issue was not listed for voting but was discussed in the group sessions or written on a notecard.

What do you like about Mountain View?
--

Community - 87

- Rural character (59)
- Bakers Mountain (16), low density, open space, slower pace, long time property owners, farms, topography, scenic
- Churches (5)
- Location (4)
- accessible to stores/retail/urban areas/highway, not as congested
- Recreation (2)
- People (1)
- diversity, community involvement/spirit, family atmosphere

Services - 83

- No city taxes (57)
- unincorporated
- Schools (16)
- Library (9)
- Adequate zoning (1)
- Roads (0)
- Fire Department and EMS
- safety
- Post office

Commercial/Industrial - 6

- Little or no industry (3)
- One stop shopping (3)

Residential - 2

- Affordable housing (2)
- Neighborhoods
- good, clean, affordable

What concerns do you have for Mountain View?

Do not want to be annexed by Hickory - 108

Services - 49

- School crowding (11)
- More recreation facilities (8)
- bicycle trails, recreation center, YMCA, passive recreation, park on Bakers Mountain
- Need water/sewer - failing septic tanks (6)
- Fire/rescue (6)
- protection, accessibility, more hydrants
- Quality of government services (5)
- lack of leadership in Mountain View (1)
- lack of stricter zoning (9)
- inconsistent, substandard housing regulations, maintain residential areas, 321 zoning at interchange
- Animal control (2)
- Citizen involvement (1)
- Healthcare (0)
- Crime (0)

Commercial/Industrial - 38

- Too much development (37 - duplicated below in residential)
- unregulated, uncontrolled, need a business access road
- Need better commercial development (grocery stores/services) (1)
- Future land conflicts (0)
- No industrial parks (0)

Residential - 37

- Too much development (37 - duplicated above in commercial/industrial)
- unregulated, uncontrolled, houses too close together
- Quality of housing (0)
- Future land conflicts (0)
- Unattractive subdivisions
- Lack of architectural design guidelines

Transportation - 35

- Traffic (35)
- speed/volume, too much, need more traffic lights/don't want traffic lights at every business (0), don't want/want expansion of 127, safety, concerned about losing property to right-of-way expansion
- Sidewalks
- Public transportation

Boundary of Mountain View too large - 27

Aesthetics - 15

- Preserve Bakers Mountain (9)
- Don't want to lose rural atmosphere (6)
- quality of life
- Cell/radio towers
- Don't want 127 to look like 70 - no billboards
- Better landscaping

Environmental - 2

- Water/air pollution (1)
- Litter/gunfire in woods (1)
- Clear cutting

What is your future vision of Mountain View?

Services - 67

- Recreation facilities (39)
- scenic by-way, cultural events and facilities (13), park, YMCA, greenway, bikeway/sidewalks (9), park on Bakers Mountain
- Keep school districts (4)
- more schools
- Urgent care center (2)
- Study impact fees

Residential - 62

- No public housing (49)
- Retirement village (5)
- Lot sizes - minimum 1 acre + (3)
- 2 - 3 acre lots, 1/2 acre + lots,
- Limited multi-family housing (2)
- Restrictions on mobile home parks (2)
- Affordable, but no multi-family, housing (1)

Commercial/Industrial - 37

- Light/little commercial - no strip malls - create retail villages (25)
- one-stop, mixed, shopping, mom & pop stores, separate from residential, no big boxes, environmentally safe, landscaping, aesthetics, keep business north of fire department on 127
- Industry away from residential areas (10)

- Newspaper (1)
- Restaurant (1)

Incorporate as Mountain View - 30

Transportation - 12

- 127 - more lanes (10)
- Road improvement (2)
- Traffic control
- Truck by-pass
- Lights on 127

Aesthetics - 8

- Keep farms (6)
- Beautification (2)
- Keep 321 rural (0)
- Subdivision buffers
- Preserve highway corridors
- Keep rural

Adopted this 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman

6. Appointments:

Catawba Valley Medical Center Board of Trustees

Chairman Ikerd recommend the reappointment of William E. Long and C. E. "Sonny" Roseman for second, four-year terms and he appointed himself, W. Steve Ikerd, for a first four-year term. Terms begin January 1, 2003, and expire December 31, 2006.

Resource and Referral Service

Commissioner Huffman reappointed Cindy Yount for a two-year term which expires December 31, 2004.

Dangerous Dog Appellate Board

Commissioner Huffman reappointed Harry L. Cooke for a third term and David Perkoski for a second term. Terms expire November 4, 2005.

Community Service Block Grant Advisory Board

Commissioner Huffman appointed Rev. Randolph C. Ferebee, 340 - 40th Avenue Drive, NW, Hickory, to serve in the Business and Religion category to fill the unexpired term of Mike R. Sigmon, who resigned. The term will expire June 30, 2004.

She appointed Anne Wepner, 1859 McRee Road, as a Social Services Board Representative to replace Mary Helen Cline who resigned. The term expires June 30, 2005.

She appointed Allen Mitchell, Sr., 334 First Street, SW, Hickory, as a Social Services Board Representative. Term expires June 30, 2004.

Commissioner Beatty made a motion to approve the aforementioned appointments. The motion carried unanimously.

7. Departmental Reports:

a. Finance:

1. Resolution for General Obligation Debt Refunding.

Finance Director Rodney N. Miller said the Board is requested to approve a resolution making certain findings, authorizing the filing of an application with the Local Government Commission and appointing bond counsel and a financial advisor in connection with the proposed issuance of General Obligation Refunding Bonds of the County. After the resolution is approved, a

bond order needs to be introduced authorizing up to \$20,000,000 in General Obligation Refunding Bonds. The Board is requested to call for a public hearing upon the order and instruct the Clerk to the Board to publish said orders, as required by The Local Government Bond Act, as amended, once in *The Hickory Daily Record* and *The Observer-News-Enterprise* not later than the sixth day before said date. The public hearing is to be held at 9:30 a.m. on November 4, 2002, in the Robert E. Hibbitts Meeting Room at the 1924 Courthouse in Newton.

Mr. Miller said the Board of Commissioners, at its October 7, 2002 meeting, authorized the Finance Director to proceed with the possible refunding of General Obligation Bonds to take advantage of interest rates at their lowest levels in forty years. Pursuant to that meeting, the Finance Director has negotiated with, and secured Legg Mason Wood Walker as financial advisor and Womble Carlyle Sandridge and Rice as bond counsel to assist with the refunding process.

Preliminary analysis shows that the County's current 1991, 1993 and 1994 General Obligation Bonds could be refunded to achieve greater than 3% net present value savings, a requirement of the Local Government Commission. At current interest rates, savings of greater than 5%, and not less than \$500,000 over 12 years, are expected.

Chairman Ikerd introduced the following resolution which was read:

Resolution No. 2002-22

Resolution Making Certain Findings, Authorizing the Filing of an Application with the Local Government Commission and Appointing Bond Counsel and a Financial Advisor in Connection with the Proposed Issuance of General Obligation Refunding Bonds of the County

BE IT RESOLVED by the Board of Commissioners (the "Board") of the County of Catawba, North Carolina (the "County"):

Section 1. The Board does hereby find and determine as follows:

(a) Preliminary analysis has been completed to demonstrate the need for refunding all or a portion of the County's outstanding bonds of any or all of the following series: School Bonds, Series 1991, dated March 1, 1991; Community College Bonds, Series 1993, dated August 1, 1993; School Bonds, Series 1993, dated August 1, 1993; Community College Bonds, Series 1994, dated June 1, 1994; School Bonds, Series 1994, dated June 1, 1994; and School Bonds, Series 1995, dated June 1, 1995.

(b) The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing by the County of an application of the County with the North Carolina Local Government Commission for approval of the issuance of not to exceed \$20,000,000 General Obligation Refunding Bonds is hereby ratified, authorized, approved and confirmed.

Section 3. The law firm of Womble Carlyle Sandridge & Rice, PLLC is hereby appointed to serve, but solely at the pleasure of the Board, as bond counsel to the County in connection with the issuance of the said bonds .

Section 4. Legg Mason Wood Walker, Incorporated is hereby appointed to serve, but solely at the pleasure of the Board, as financial advisor to the County in connection with the issuance of the said bonds.

Section 5. This resolution shall take effect immediately upon its passage.
This 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman

Commissioner Barnes made a motion to approve the aforementioned resolution. The motion

carried unanimously.

Thereupon Chairman Ikerd introduced the following order authorizing bonds which was read:

ORDER AUTHORIZING \$20,000,000 GENERAL OBLIGATION REFUNDING BONDS

BE IT ORDERED by the Board of Commissioners for the County of Catawba, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the County of Catawba, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$20,000,000 for the purpose of providing funds, with any other available funds, for (a) refunding all or a portion of the County's outstanding bonds of any or all of the following series: School Bonds, Series 1991, dated March 1, 1991; Community College Bonds, Series 1993, dated August 1, 1993; School Bonds, Series 1993, dated August 1, 1993; Community College Bonds, Series 1994, dated June 1, 1994; School Bonds, Series 1994, dated June 1, 1994; and School Bonds, Series 1995, dated June 1, 1995; and (b) paying certain expenses related thereto.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of debt of said County has been filed with the Clerk to the Board and is open to public inspection.
4. That this order shall take effect upon adoption.

The Board of Commissioners thereupon designated the Finance Officer to make and file with the Clerk to the Board the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Commissioner Barnes made a motion to approve the order authorizing \$20,000,000 General Obligation Refunding Bonds. The motion carried unanimously.

Commissioner Hunsucker made a motion to call for a public hearing on Monday, November 4, 2002, 9:30 a.m. in the Robert E. Hibbits Meeting Room at the 1924 Courthouse in Newton, North Carolina to approve the order authorizing \$20,000,000 General Obligation Refunding Bonds. The motion carried unanimously.

Thereupon, the Finance Officer filed with the Clerk to the Board, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

**COUNTY OF CATAWBA, NORTH CAROLINA
SWORN STATEMENT OF DEBT MADE PURSUANT TO THE
LOCAL GOVERNMENT BOND ACT, AS AMENDED**

(a) GROSS DEBT

a(1)	Outstanding debt evidenced by bonds:	
	1991 School Bonds	\$ 1,200,000
	1993 Refunding Bonds	4,080,000
	1993 School Bonds	4,065,000
	1993 Community College Bonds	1,925,000
	1994 School Bonds	7,150,000
	1994 Community College Bonds	1,000,000
	1995 School Bonds	5,675,000
	1996 Public Improvement Bonds	3,550,000
	1997 School Bonds	11,000,000
	1998 School Bonds	7,600,000
	1999 School Bonds	13,800,000
	2000 School Bonds	<u>8,055,000</u>
	Total	<u>\$69,100,000</u>
a(2)	Bonds authorized by orders introduced, but not yet adopted:	
	Refunding	\$20,000,000
a(3)	Unissued bonds authorized by adopted orders:	\$-0-
a(4)	Outstanding debt, not evidenced by bonds:	\$-0-
(a)	GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4):	<u>\$89,100,000</u>

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	\$20,000,000
b(2)	Funding and refunding bonds authorized but not yet issued:	\$-0-
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159- 55(b)):	\$-0-
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	\$-0-
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159- 55(b)):	\$-0-

- b(6) Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt:

\$-0-

- b(7) The amount, as estimated by the Finance Officer, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt:

\$-0-

- (b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7):

\$20,000,000

(c) NET DEBT

- (c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b):

\$69,100,000

(d) ASSESSED VALUE

- (d) ASSESSED VALUE of property subject to taxation by the County, as revealed by the County tax records and certified to the County by the assessor:

\$11,176,676,254

(e) PERCENTAGE

- (e) Percentage which the NET DEBT (c) bears to the ASSESSED VALUE (d):

0.62%

/s/ Rodney N. Miller, Finance Director

b. Piedmont Wagon:

1. Resolution for FY 2003 - 2004 Community Transportation Program Grant Application.

City of Hickory Transportation Planner Eric Ben-Davies said a resolution is required to provide permission to apply for Community Transportation Grant Funds, enter into the necessary contracts with the North Carolina Department of Transportation, Public Transportation Division, and to provide the necessary certifications and assurances. This is the annual grant for transportation administrative, capital and technology funds. The actual grant application has not been issued to date; but, to insure necessary deadlines are met transit staff is asking that the Board adopt a resolution to pursue the grant be given in advance of the issuance and completion of the document. It is anticipated that the funding level of approximately \$120,000 in administrative and training funds will be made available to Catawba County. These funds would require a 15 percent local match or \$18,000. Capital and Technology grant figures have yet to be determined but would require a 10 percent local match. After the grant has been issued and completed it will be presented to the Catawba County Board of Commissioners for approval prior to submission to NCDOT. The due date for the grant application is November 22, 2002.

**Resolution No. 2002-23
Community Transportation Program Resolution**

Applicant Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With The North Carolina Department of Transportation and to Provide the Necessary Assurances.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Catawba County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the Chairman of the Catawba County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

This 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman

Attest: /s/ Thelda B. Rhoney, Clerk to the Board

Commissioner Huffman made a motion to approve the aforementioned resolution. The motion carried unanimously.

c. Social Services:

1. Work First County Plan 2003-2005.

Social Worker Supervisor Karen Heffner said with welfare reform, all North Carolina counties currently have flexibility in developing services and programs to train and empower Work First families to move from welfare dependency to economic self-sufficiency. Counties chosen to be Electing Counties have the additional flexibility to establish the fundamental eligibility policies. The plans must be submitted to the North Carolina Division of Social Services by November 1, 2002. On August 5, 2002, Catawba County Commissioners voted to pursue "Electing County" status and appointed a committee of twenty-six (26) members to assist in the development of the county's Work First Plan. Throughout the months of August and September 2002, staff from Social Services met with the committee members and surveyed the customers of the Work First Program. The committee members approved the plan on September 24, 2002. The plan was available for public review and comments from September 25, 2002 to October 2, 2002. Copies of the plan were placed at various locations in the County. The Policy and Goals Subcommittee recommended that the Board approve the Work First Plan for Fiscal Years 2003-2005 and submit to the North Carolina Department of Human Resources. Ms. Heffner said all North Carolina counties currently have flexibility in developing services and programs to train and empower Work First families to move from welfare dependency to economic self-sufficiency. Counties chosen to be *Electing Counties*

have the additional flexibility to establish the fundamental eligibility policies.

She reviewed the following Eligibility changes that are being recommended for the Catawba County Work First Program:

- Application Process: When the applicant has income, the Case Manager will take the applicant's statement of income and wage verification will be requested from the employer. If the employer refuses to provide or fails to return the wage verification form by the 12th calendar day, the Case Manager will process the application based on the applicant's statement, assuming all other eligibility requirements have been met.
- Benefit Diversion Program: Under state policy, Benefit Diversion is an alternative to the traditional Work First monthly assistance check. Benefit Diversion recognizes that some families are in short term crisis, but have a strong work history and need only short-term financial 'shoring up' until they are able to return to work/find work. Thus, Benefit Diversion allows for a one-time lump sum payment of up to a maximum of three months of Work First cash benefits. Benefit Diversion also may include up to three months of Medicaid and Food Stamps.

Catawba County will follow the State's current Benefit Diversion policy, with the following exception: Some applicants may be offered the diversion program without having a solid job offer. These applicants may include citizens who have applied for Unemployment Benefits and/or have a strong work history. Catawba County will require the applicants who are offered Benefit Diversion to register with First Stop (Employment Security Commission) within six days. If the applicant fails to register with First Stop, the application will become a regular Work First application.

Innovative County Strategies included in the plan:

- Quick Care – Immediate Child Care Services for Work First families needing childcare to work.
- Retention Services – An array of services offered to Work First families who have worked their way off public assistance. These services are designed to enable the adult to maintain employment and keep the family from reentering the traditional Work First Program.
- Services to strengthen and support Child-Only cases.
- Information regarding Earned Income Tax Credit and assistance with Tax Preparation.
- Economic Literacy classes for participants
- Substance Abuse Screenings and Assessments – All Work First applicants and recipients will be screened for alcohol and drug abuse. Those with a substance abuse problem will be required to become involved in a treatment plan.
- Services to protect women and children in Domestic Violence situations.

Commissioner Beatty made a motion to approved the Work First County Plan 2003-2005. The motion carried unanimously.

d. Utilities and Engineering:

1. East Maiden Road Water Project, Pump Station and Elevated Tank.

Public Services Administrator Jack Chandler said the County received bids for the pump station and elevated storage tank associated with the East Maiden Road waterline project on September 5, 2002. Funds in the amount of \$795,542 have been budgeted for this portion of the project. A total of three bids were received ranging from \$628,254 to \$665,398. Caldwell Tank, Inc., of Louisville, Kentucky is the lowest responsive bidder with a total bid amount of \$628,254. In addition, three bids were also received on alternate bid item A, which consists of increasing the capacity of the tank from 250,000 to 300,000 gallons. The bids for alternate bid

A ranged from \$31,118.00 to \$34,974. Caldwell Tank, Inc., of Louisville, Kentucky is the lowest responsive bidder with a total bid amount of \$659,372.00 for the base bid plus the add-on for alternate bid A.

No local companies chose to bid all though they were contacted by W.K. Dickson and Co. to see if they would be interested in the project, however, they declined.

In addition, NC DENR required the County and the general contractors participating in this bid to make a "Good Faith Effort" in soliciting minority participation. Of the three bids received, the bid from Caldwell Tank was the only contractor to have any minority participation; they also met five of the ten requirements to show a good faith effort was made. Their total minority subcontractor participation is \$12,000, which represents 1.9% of the base bid; this amount is less than the County's goal of 5%. One of the minority subcontractors is a local company, American Fence of Hickory. Whenever a contractor does not meet the goal, they are required to submit backup documentation to show evidence they made efforts to reach the goal. Staff has reviewed the documentation submitted by Caldwell Tank and are satisfied that a good faith effort was made.

BID TABULATION SUMMARY

For: 2nd Round Bid Receipt for Contract No. 2 – Catawba County 1999 Clean Water Bond Project
Elevated Water Tank and Booster Pump Station
Town of Maiden Service Area
WKD #90394.72.HI

Opening Date: September 5, 2002 @ 2:00 p.m.

<i>Name of Bidder</i>	<i>Bid Bond</i>	<i>MBE Document With Bid</i>	<i>Total Base Bid Item #1, #2 and #3 250,000 Gal. Elevated Tank (HWL = 160 Ft.)</i>	<i>Alternate Bid Item A1 and A2 300,000 Gal. Elevated Tank (HWL = 160 ft.) Add to Base Bid</i>	<i>Alternate Bid Item B1 and B2 500,000 Gal. Elevated Tank (HWL = 202.5 Ft.) Add to Base Bid</i>
Buckeye Construction 654 Buckeye Cove Road Canton, North Carolina 28716	X	Yes	\$665,398.00	\$34,974.00	\$346,400.00
Caldwell Tank, Inc. 4000 Tower Road Louisville, KY 40219	X	Yes	\$628,254.00	\$31,118.00	\$280,895.00
Phoenix Fabricators and Erectors 182 South County Rd., 900 East Avon, IN 46123	X	Yes	\$647,690.00	\$34,300.00	No Bid

Notes:

1. HWL – High water level, or the height of the maximum water storage level in the tank above the foundation. Alternate B matches the HWL of the Bandy's tank, in the event the two services areas were connected in the future.
2. Both Alternate Bids A and B are costs that must be added to the Base Bid if the Owner chooses to Award these alternate tanks.

Resolution No. 2002-24 Resolution Of Award For Contract 2, Elevated Tank And Booster Pump Station East Maiden Road State Water Grant Deh-0713a

WHEREAS, Catawba County publicly advertised for bids to be received for the East Maiden Road Project, Contract 2 on September 5, 2002; and,

WHEREAS, the Bids were publicly opened on the stated date; and

WHEREAS, the County has accepted a grant offer from the NC State Bond in the amount of \$1,295,705.

NOW; THEREFORE BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the bid be awarded in accordance with the Engineer's recommendation to Caldwell Tank, Inc. in the amount of \$659,372 for a 300,000 gallon tank.

Bids are awarded subject to project approval of the North Carolina Department of Environment and Natural Resources, Public Water Supply Section.

Adopted this the 21st day of October, 2002 at Catawba County, North Carolina.

/s/ W. Steve Ikerd, Chairman

Commissioner Barnes made a motion to award the bid for the East Maiden Road Pump Station as represented by the base bid combined with the alternate "A" to upgrade Elevated Storage Tank, by 50,000 gallons (from 250,000 to 300,000 gallons), to Caldwell Tank, Inc., in the amount of \$659,372 contingent upon the approval of the Public Water Supply Section of the NC Department of Environment and Natural Resources. The motion carried unanimously.

8. Attorneys' Report. None.
9. Manager's Report:
 - a. Resolution Approving Year 2003 Meeting Schedule and Resolution Setting Location for November 15, 2002, Fall Planning Retreat.

County Manager J. Thomas Lundy presented the following resolutions:

**Resolution No. 2002-25
Adopting 2003 Board of Commissioners Meeting Schedule**

WHEREAS, pursuant to Section 15.13 of the Catawba County Code, the regular meetings of the Catawba County Board of Commissioners shall be held twice a month on the first and third Mondays at 9:30 a.m. and 7:00 p.m. respectively, except for the first meeting in September which shall be held on the first Tuesday due to the Labor Day holiday and the second meeting in January, which shall be held on the third Tuesday.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners adopts the following Meeting Schedule for 2003:

Tuesday, January 21, 2003, 7:00 p.m.
Monday, February 3, 2003, 9:30 a.m.
Monday, February 17, 2003, 7:00 p.m.
Monday, March 17, 2003, 7:00 p.m.
Friday, March 21, 2003, Board Spring Planning Retreat, 8:30 a.m., location TBA
Monday, April 7, 2003, 9:30 a.m.
Monday, April 21, 2003, 7:00 p.m.
Monday, May 5, 2003, 9:30 a.m.
Tuesday, May 27, 2003, 1:15 p.m., Budget hearings
Wednesday, May 28, 2003, 1:15 p.m., Budget hearings
Monday, June 2, 2003, 9:30 a.m.
Thursday, June 5, 2003, 7:00 p.m., Budget Public Hearing and Wrap-up Session
Monday, June 16, 2003, 7:00 p.m.
Monday, July 21, 2003, 7:00 p.m.
Monday, August 4, 2003, 9:30 a.m.
Monday, August 18, 2003, 7:00 p.m.
Tuesday, September 2, 2003, 9:30 a.m.
Monday, September 15, 2003, 7:00 p.m.
Monday, October 6, 2003, 9:30 a.m.

Monday, October 20, 2003, 7:00 p.m.
Monday, November 3, 2003, 9:30 a.m.
Friday, November 14, 2003, Board Fall Planning Retreat, 8:30 a.m., location TBA
Monday, November 17, 2003, 7:00 p.m.
Monday, December 1, 2003, from 8 - 9:00 a.m., annual breakfast meeting with the
staff of Cooperative Extension Service at the Agricultural Resources Center
Monday, December 1, 2003, 9:30 a.m.
Monday, December 15, 2003, 7:00 p.m.

This the 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman

Commissioner Beatty made a motion to approve the aforementioned meeting schedule for 2003. The motion carried unanimously.

Resolution No. 2002-26
Amending the Board of Commissioners 2002 Meeting Schedule

WHEREAS, on October 15, 2001, the Catawba County Board of Commissioners approved its meeting calendar for 2002; and

WHEREAS, the Fall Planning Retreat was scheduled for November 15, 2002, with location to be announced.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners Fall Planning Retreat is scheduled for Friday, November 15, 2002, 8:30 a.m., Claremont City Hall, 3301 East Main Street, Claremont, NC 28610

This the 21st day of October, 2002.

/s/ W. Steve Ikerd, Chairman

Commissioner Beatty made a motion to approve the aforementioned meeting schedule for 2003. The motion carried unanimously.

10. Other items of business. None.

11. Adjournment.

At 8:45 p.m., there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

Thelda B. Rhoney
County Clerk